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Lancashire and Cheshire Cases in the Court of Star Chamber.

PART I.

EDITED BY

R. STEWART-BROWN, M.A., F.S.A.

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THE RECORD SOCIETY.

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INTRODUCTION

THIS volume contains abstracts of 108 Lancashire and Cheshire suits in the Court of Star Chamber. The proceedings of that Court (here referred to as S.C.P.), so far as preserved, are in the Public Record Office, and are calendered in No. XIII. of the "Lists and Indexes."¹ There is only one portfolio of documents for the reign of Henry VII. For Henry VIII there are sixteen bound volumes, followed by thirty-four bundles or files of unbound papers. There are eight bundles for the reign of Edward VI, and ten for that of Philip and Mary.

The abstracts have been made for the Society by Miss Ethel Stokes, who was asked to examine *every* case relating to Lancashire and Cheshire, and this volume, therefore, contains a note of *every* such case occurring in the material examined, *i.e.* up to Bundle 21, No. 40, of the reign of Henry VIII.

The original scheme was to abstract the bill of complaint practically *in extenso*, omitting formal expressions and repetitions, but to compress the answers and depositions of witnesses except where they gave additional information. This course was followed in the earlier cases, but it soon became apparent that the matter must be more compressed, as otherwise the cases would occupy several volumes. Miss Stokes was, therefore, asked to cut down the abstracts as much as possible while copying sufficient to give a general idea of the nature and course of the suit. The advantages of this compression—a most difficult task—are often counterbalanced by the loss of continuity in the narrative and the necessary omission of much interesting, curious, or quaint matter. Thus those interested in any particular suit should note that they can in most cases obtain further information by inspecting the original documents. In one suit, for example, six pages of MS. abstract represented twenty-six double sheets in the original.

The documents are often in a bad state, and are by no means

¹ A list of some of the Cheshire suits is given in *The Cheshire Sheaf*, Series III, vol. v. p. 40, &c.

complete. Thus in one case the bill of complaint may be missing, in another the answer, in another the depositions. None of the decrees or judgments of the Court are extant in these series, and thus the result of the suits cannot be ascertained except from other sources.¹

Many of the documents are not dated, but dates have been noted whenever possible.

The proceedings of the Star Chamber are little known, and seldom used, and it is thought that these abstracts will be found of interest from many points of view. For genealogists there is often much valuable matter covering a difficult period, while for the students of local manners, customs and language in the sixteenth century, the cases are of great importance.

Of the Court of Star Chamber, Mr. A. D. Innes in *England under the Tudors*, p. 48, writes as follows: "Another instrument in the King's hands, invaluable for the purpose of holding barons and officials in check, was the institution which came to be known as the Star Chamber. Beside the development of the House of Peers as the highest court of judicature in the realm, the development of the Great Council on similar lines had long been going on. . . . The customary powers of the Council arose from the need of a court too powerful and independent to be in danger of being intimidated or bribed by influence or wealth, able to penalise gross miscarriage of justice fraudulently procured, and to take in hand cases with which the ordinary courts would have had grave difficulty in dealing. In exercising this function the Council practically came to resolve itself into a judicial committee, meeting in a room known as the Star Chamber, and its authority was regularised by Act of Parliament in 1487. Absorbing into its hands offences in the matter of 'maintenance' and 'livery,'—*i.e.* broadly speaking, practices which the nobility had indulged in for the magnification of their households, and the provision of a military following—and being peculiarly subject to the royal influence, it was exceedingly useful to the King in keeping the

¹ In this connection it should be noted that the suit in the Star Chamber was often the last resource of the litigant who had failed to obtain redress elsewhere, and suits between the same parties and on the same facts can often be found among the contemporary records of the Duchy and Palatine Courts and the Courts of Chancery and Common Law. The Star Chamber documents themselves often refer to earlier proceedings in such courts.

baronage within bounds. Following, on the other hand, a procedure analogous to that of the ecclesiastical courts, unchecked by juries, and having authority to punish officers of the law whom it found guilty of illegal or corrupt practices, its influence was gradually extended, so that the fear of it guided the judgments of inferior courts. Under Henry VII, however, its functions were exercised at least mainly in the cause of justice—they were used, not abused—to the public satisfaction, as well as to the strengthening of the King's own hands." For the full history of the Court, which fell into evil repute in later times, those interested may be referred to the following works :

1. *Treatise of the Court of Star Chamber*, by Wm. Hudson, *Collectanea Juridica* (1792), vol. ii.
2. *Reports of Cases in Courts of Star Chamber and High Commission*, ed. by S. R. Gardiner. (Camden Society, N.S., 1886.)
3. *Select Cases before the King's Council in the Star Chamber*, ed. by I. S. Leadam. 2 vols. (1477-1544), Selden Society, 1902 and 1910.
4. *A Study of the Court of Star Chamber*, by Cora L. Scofield, Chicago, 1900.
5. Article in *Edinburgh Review*, No. 440 (April 1912), p. 318.

There are many more suits relating to Lancashire and Cheshire in the remainder of the Star Chamber proceedings, and a further volume can be issued if the members of the Society find the present one acceptable. The cases have been presented in the form of abstracts as an experiment. Similar volumes have been found acceptable to other societies, as providing the members with records in a more readable form than a mere list. But if it is thought desirable the series of cases for Lancashire and Cheshire can be completed by printing a simple calendar of the remainder, giving the names of the suitors and subject-matter of the case only. Such a calendar will afford no clue to the mass of interesting and important matter lying buried in the voluminous records of the Court.

For any deficiencies in this volume, the indulgence of the members is asked, as it has been completed under some difficulties and at such odd moments as could be given to it amidst more pressing tasks.

R. S.-B.

CONTENTS

	PAGE
INTRODUCTION	v
BUTLER <i>v.</i> EARL OF DERBY (<i>Re</i> land at Great and Little Marton, Co. Lanc.)	i
BUTLER <i>v.</i> GARNETT (<i>Re</i> lands at Warrington, Co. Lanc.)	2
BORWICK <i>v.</i> WHITTINGTON (<i>Re</i> manor of Borwick, Co. Lanc.)	4
ADENE OR HEYDON <i>v.</i> RYDER AND OTHERS (Assault at Kynsulton, Co. Chester.)	5
KING'S ALMONER <i>v.</i> MAKAM (<i>Re</i> goods of a Suicide.)	6
ARDERNE <i>v.</i> ARDERNE (<i>Re</i> manor of Timperley, Co. Chester.)	7
ARDERNE <i>v.</i> BOOTH AND OTHERS (<i>Re</i> manor of Timperley, Co. Chester.)	10
LORD AUDLEY <i>v.</i> CHOLMONDELEY (<i>Re</i> a mill at Newhall, Co. Chester.)	13
AYRE <i>v.</i> MARBURY (Land at Over and Nether Walton, Co. Chester.)	14
AYNESWORTH <i>v.</i> RADCLIFFE (<i>Re</i> burning of hay at Radcliffe, Co. Lanc.)	17
BARLOW <i>v.</i> TATTON (<i>Re</i> a weir in the Mersey.)	18
SWETTENHAM <i>v.</i> COTTON (<i>Re</i> murder of Lawrence Swettenham.)	20
STRINGER <i>v.</i> MASSY AND OTHERS (<i>Re</i> murder of Thomas Huchyn.)	23
BELLOT <i>v.</i> MORETON (<i>Re</i> waste at Moreton, Co. Chester.)	24
BELLINGHAM <i>v.</i> CURWEN (<i>Re</i> manor of Poulton, Co. Lanc., &c.)	25
BENGER <i>v.</i> STANLEY (<i>Re</i> manors of Rishton and Darwen, Co. Lanc.)	31

	PAGE
BLUNDELL <i>v.</i> MOLYNEUX	33
(<i>Re</i> Nich. Blundell of Little Crosby, Co. Lanc.)	
BRAWSTAFF <i>v.</i> HENSHAW AND OTHERS	36
(<i>Re</i> a close in Nether Knutsford, Co. Chester.)	
BRERETON <i>v.</i> BRERETON	36
(<i>Re</i> Dispossession of plaintiff and assault.)	
BRERETON <i>v.</i> JOHNSON	38
(<i>Re</i> house, &c. at Wettenhall (?), Co. Chester.)	
BROADBENT <i>v.</i> DUCKENFIELD	40
(<i>Re</i> land at Duckinfield, Co. Chester.)	
BOSLEY TENANTS <i>v.</i> SUTTON TENANTS	43
(<i>Re</i> rights of pasture in Co. Chester.)	
BOSTOCK <i>v.</i> CALVELEY	46
(<i>Re</i> assault, &c., at Milton Green, Co. Chester.)	
BOOTH <i>v.</i> POWNALL AND OTHERS	47
(<i>Re</i> murder of Ottiwell Booth.)	
BOSTOCK <i>v.</i> DUTTON	48
(<i>Re</i> taking oxen and hay at Huxley, Co. Chester.)	
BUTLER <i>v.</i> RISLEY	50
(<i>Re</i> a distress at Culcheth, Co. Lanc.)	
BROWNE <i>v.</i> TAYLOURE	52
(<i>Re</i> property at Mottram Andrew, Co. Chester.)	
BRUCHE <i>v.</i> HAWARDEN	52
(<i>Re</i> manor of Bruche, Co. Lanc.)	
BRINDLEY <i>v.</i> FULSHURST	53
(<i>Re</i> property at Wistaston and Monks Coppenhall, Co. Chester.)	
BRAYNE <i>v.</i> MASSY	57
(<i>Re</i> manor of Coddington, &c., Co. Chester.)	
BRERETON <i>v.</i> LEICESTER	61
(Assault at Mobberley, Co. Chester.)	
BULKELEY <i>v.</i> HOLT	62
(<i>Re</i> manor of Cheadle, Co. Chester.)	
BUTTON <i>v.</i> BRERETON	63
(Unlawful imprisonment in Cheshire.)	
BROWNE <i>v.</i> MASSY	65
(Assault at Burton, Co. Chester, &c.)	
BIRKENHEAD <i>v.</i> IRELAND	66
(<i>Re</i> land at Mouldsworth, Co. Chester.)	
BYRON <i>v.</i> DAVENPORT	67
(<i>Re</i> turf at Werneth Moor, Co. Chester.)	

	PAGE
CARRINGTON <i>v.</i> DAVENPORT	67
(<i>Re</i> moss at Hattersley, Co. Chester.)	
STANDISH <i>v.</i> STARKEY	68
(Articles against Laurence Starkey.)	
CANSFIELD <i>v.</i> STARKEY	69
(Dispossession of plaintiff.)	
CHARLTON <i>v.</i> HUNT	70
(<i>Re</i> "tollership" of Manchester.)	
CHESHIRE <i>v.</i> TIPPING	70
(Right of way at Ashton on Mersey.)	
CITY OF CHESTER	71
(Election of interim Mayor.)	
CHOLMONDELEY <i>v.</i> ORMSHAW	72
(Trespass at Acton, Co. Chester.)	
CLARK <i>v.</i> DALE	73
(<i>Re</i> land at Prestbury, Co. Chester.)]	
CLARK <i>v.</i> ABBOT OF ST. WERBURGH	74
(Dispossession of plaintiff.)	
COOKSON <i>v.</i> MOLYNEUX	75
(<i>Re</i> mortuaries at Sefton, Co. Lanc.)	
CRESWELL <i>v.</i> WETTENALL	76
(<i>Re</i> property at Lightwood, Co. Chester.)	
CURWEN <i>v.</i> CONINGSBY	76
(<i>Re</i> manor of Poulton, Co. Lanc.)	
DAUBENEY <i>v.</i> HOLDFORD	81
(<i>Re</i> Lostock Park, Co. Chester, &c.)	
DAWNE <i>v.</i> DUTTON	83
(<i>Re</i> murder in Co. Chester.)	
DERBY, EARL OF, <i>v.</i> WHITNEY AND OTHERS	84
(<i>Re</i> forest of Macclesfield, Co. Chester.)	
DERBY, EARL OF, <i>v.</i> BROUGH AND OTHERS	84
(<i>Re</i> forest of Macclesfield, Co. Chester.)	
DUTTON <i>v.</i> DUTTON	85
(<i>Re</i> chattels at Dutton, Co. Chester.)	
DUTTON <i>v.</i> SAVAGE	87
(<i>Re</i> manor of Dutton, Co. Chester.)	
DICKON <i>v.</i> BROADHURST	92
(<i>Re</i> assault at Macclesfield Fair.)	
JODRELL <i>v.</i> LEIGH	92
(<i>Re</i> common at Disley, Co. Chester.)	

	PAGE
ECCLESTON <i>v.</i> HAWE	94
(<i>Re</i> Singleton Grange, Co. Lanc.)	
EGERTON <i>v.</i> CALVELEY, AND EGERTON <i>v.</i> GERARD AND TIPPING	95
(<i>Re</i> manor of Ridley, Co. Chester.)	
FLEETWOOD <i>v.</i> FORREST	96
(<i>Re</i> Wymotte Moss, Co. Lanc.)	
FOX <i>v.</i> FOX	96
(<i>Re</i> property at Cleveley, Co. Lanc.)	
FULSHURST <i>v.</i> BRENLEY	97
(<i>Re</i> land at Wistaston, Co. Chester.)	
FURNESS, ABBOT OF, <i>v.</i> TUNSTALL	98
(<i>Re</i> fishery in R. Lune, Co. Lanc.)	
FRODSHAM, INHABITANTS OF, <i>v.</i> STARKEY	99
(<i>Re</i> rights of tenants.)	
JERMYN <i>v.</i> HOLLINSHED	99
(<i>Re</i> common rights at Sutton, Co. Chester.)	
GETHYN <i>v.</i> MANNING	100
(<i>Re</i> meadows at Churchheath and Aldersey, Co. Chester.)	
GLAZIER <i>v.</i> EGERTON	101
(<i>Re</i> trespass at Christleton, Co. Chester.)	
GLAZIER <i>v.</i> ROGERSON	102
(<i>Re</i> trespass at Chester.)	
GODBEHERE <i>v.</i> ARROWSMITH	103
(<i>Re</i> assault at Smallwood, Co. Chester.)	
GOODMAN <i>v.</i> BRYDE AND OTHERS	103
(<i>Re</i> trespass on pastures in Chester.)	
GOLBURNE <i>v.</i> BELLOTT AND OTHERS	104
(<i>Re</i> mills at Odd Rode, Co. Chester.)	
GRIFFIN <i>v.</i> CREWE AND OTHERS	105
(<i>Re</i> assault at Nantwich, Co. Chester.)	
GRIFFIN <i>v.</i> HASSALL AND OTHERS	106
(Assault at Hankelow, Co. Chester.)	
DUCKENFIELD <i>v.</i> WARREN AND OTHERS	107
(Affray at Portwood, Co. Chester.)	
PRICKETT <i>v.</i> BRERETON	107
(Rescue at Tilston, Co. Chester.)	
VENABLES <i>v.</i> VENABLES AND OTHERS	108
(Assault, &c. at Northwich, Co. Chester.)	
HARCOTT <i>v.</i> BROMLEY	109
(<i>Re</i> commons at Norbury, Co. Chester.)	

CONTENTS

xiii

	PAGE
LANCASTER <i>v.</i> BOOTH	109
(<i>Re</i> parsonage of Rostherne, Co. Chester.)	
LANCASTER AND HARDWICK <i>v.</i> LEIGH AND OTHERS	110
(<i>Re</i> rectory of Rostherne, Co. Chester.)	
MASSEY <i>v.</i> BALSLEY AND OTHERS	113
(<i>Re</i> murder of R. Davenport in Wirral, Co. Chester.)	
LEGH <i>v.</i> MORE	114
(<i>Re</i> common at Disley, Co. Chester.)	
BRAYNE <i>v.</i> CHOLMONDELEY	114
(<i>Re</i> a trespass at Aston, Co. Chester.)	
SAVAGE <i>v.</i> DUTTON	115
(<i>Re</i> manor of Dutton, Co. Chester.)	
MORTON <i>v.</i> GOLBORNE	116
(<i>Re</i> property at Odd Rode, Co. Chester.)	
SMITH <i>v.</i> MASSY	117
(<i>Re</i> parsonage of Burton and hospital of Denwall, Co. Chester.)	
OTTYE <i>v.</i> HENLEY AND WELLE	118
(<i>Re</i> a deodand.)	
MORE <i>v.</i> EGERTON AND OTHERS	118
(<i>Re</i> premises at Peckforton, Co. Chester.)	
ARTICLES <i>v.</i> SIR WM. BRERETON AND OTHERS	120
(<i>Re</i> murder of L. Swettenham.)	
CLUTTON <i>v.</i> BOLTON AND OTHERS	121
(<i>Re</i> land at Buerton, Co. Chester.)	
BUTLER <i>v.</i> RISLEY	122
(<i>Re</i> lands at Culcheth, Co. Lanc.)	
ARTICLES <i>v.</i> THE CORONER OF WIRRAL, CO. CHESTER	122
(<i>Re</i> murder of R. Davenport.)	
DRAKE <i>v.</i> STARKEY AND OTHERS	123
(<i>Re</i> murder of R. Drake in Co. Chester.)	
HILL <i>v.</i> CHEYNE AND OTHERS	124
(<i>Re</i> trespass at Wistaston, Co. Chester.)	
THE PECULIAR OF THE MANOR OF CLIFTON	125
CLUTTON <i>v.</i> BOLTON	125
(<i>Re</i> land at Buerton, Co. Chester.)	
SMITH <i>v.</i> DELVES	126
(<i>Re</i> manors of Weston and Chorlton, Co. Chester.)	
ABBOT OF FURNESS <i>v.</i> REDMAYNE	127
(<i>Re</i> rectory of Urswick, Co. Lanc.)	
HOLFORD <i>v.</i> DAUBENY	127
(<i>Re</i> a settlement of lands in Chester.)	

	PAGE
HUNCOTE <i>v.</i> JENYNS	129
(Re murder of a monk at Combermere, Co. Chester.)	
ALDERSEY <i>v.</i> DUTTON AND OTHERS	130
(Trespass at Aldersey, Co. Chester.)	
JODRELL <i>v.</i> LEIGH	130
(Re pasture at Disley, &c., Co. Chester.)	
HATTON <i>v.</i> HATTON	133
(Re lands at Hatton, Co. Chester.)	
LEIGH <i>v.</i> JODRELL	134
(Re pasture at Disley, Co. Chester.)	
LEIGH <i>v.</i> SWINDLES	135
(Re pasture at Disley, Co. Chester.)	
BRERETON <i>v.</i> SWETTENHAM	136
(Re murder of L. Swettenham.)	
WICKSTEAD <i>v.</i> MAINWARING	137
(Re Abduction of infant heir.)	
ALDERSEY <i>v.</i> ALDERSEY AND OTHERS	138
(Re lands in Co. Chester.)	
DUTTON <i>v.</i> ASTON AND OTHERS	138
BENGER <i>v.</i> STANLEY	139
(Re manors of Rishton and Darwen, Co. Lanc.)	
GOLBORN <i>v.</i> BELLOTT AND OTHERS	139
(Re a stream at Odd Rode, Co. Chester.)	
HOPWOOD <i>v.</i> HOPWOOD	141
(Re house at Mottram, Co. Chester.)	
HOLFORD <i>v.</i> HOLFORD	142
(Re Holford estates.)	
INDEX	145

Lancashire and Cheshire Cases in the Court of Star Chamber

BUTLER *v.* EARL OF DERBY

Re LAND AT GREAT AND LITTLE MARTON, CO. LANC.

(S.C.P., Henry VII, No. 23)

The title of Sir Thomas Butteler knyght to D^ej acres of pasture and moose and CCC acres couered with water wherof Thomas Erle of Derby hath assis now hangyng in the Countie palatyn at lancastr ayenst the said Sir Thomas Botteler.

The same Sir Thomas saith that the said pasture moose and water lyen in Grete Marten in the said Countie palatyn wherof the said Sir Thomas is seassed in his demeane as of fee taill specially to him and his heires mascul of his body lawfully begotyn of old inheritaunce to him discendid. And the said Sir Thomas and all his auncestours whos heir mascul he is and all othur whos estate he hath in the said maner tyme out of mynde haue ben seassid of the said maner of grett Marton and of the said pastur moore and moose heth and water as parcell of the said maner from the tyme that no mynde is and thus was the said Sir Thomas seassed of the said maner of Marton and of the said pastur water and other the premisses unto [until] he was by the said Erle disseassid and after[wards] the said Sir Thomas reentered for which entre the said Erle hath the said assys all which maters [*sic*].

Annexed is (1) the answar of Thomas Erle of Derby unto the above title who seyth that the seyd pastur mosse and water lyen in Lytyll Marton in the seid Countye & be parcell thereof and wythin the Meers and boundes of the same wherof the seyd Erle was seased in hys demeasne as fee and ryght of olde enheritaunz to hym discendid unto he was by the seid Sir Thomas wrongfully disseasyd of the seyd pastur mosse and water wherupon the seid Erle hath an assise hangyng ageyns the seid Sir Thomas afor the Justices of Lancastr and ouer that seyth that the seyd

pastur mosse and water as well in the seyde Erles tyme as in the tyme of his auncestres and of all other whose estate he hath in the seide lytyll Marton haue been parcell therof and wythin the meers and boundes of the same fro the tyme that no mynde is without that that the seyde pastur mosse and water lyen wythin any meers or boundes of grete Marton or that the seide Sir Thomas Butler is seayde of the seide pastur &c. [as is recited in above title].

(2) The replication of Sir Thomas Butler knight to the answer of Thomas Earl of Derby, reaffirming the statements contained in the title and denying that the said pasture &c. be within Little Marton.

[Endorsed] Trinity Term in the xvij year [1502].

BUTLER *v.* GARNETT

Re LANDS AT WARRINGTON, CO. LANC.

(S.C.P., Henry VII, No. 81)

To the king our souerain lord. Shewith and complayneth unto your highnesse your true and faithfull sugiet and seruauunt Sir Thomas Butler knight for your most noble body that where your seide seruauunt and his auncestours tyme out of mynde haue alwaye been seased and possessed of certain chief rentes and other landes lying in Weryngton within your Countie of lancastr being of the yerely value of xxvj^s viij^d without interruption or lette of any persone unto [until] now of late oon Henry Garnett of the same Countie hath with great force and power entred into the said rentes and other the premisses and yerely taketh and perceyveth thissues and prouffites therof Sayeng that he wolnot soo be contented but entre into othr landes of youre besechers being of the value of xl^s by yere by reason of a pretensed graunt made unto hym by oon Sir William Butler knight brother unto your said seruauunt And soo by suche great myght and mayntenance as he hath there wrongfully kepeth the same and dailly maketh rescuesse upon thofficiers and seruauentes of your said besecher suche as distreigneth for the said rentes as lawfull is for them to doo and putteth them in great feare and daungier of theire lyves to the evill example of alle other your wele disposed subgiettes in those parties except sharp punyesshement be had unto hym in that behalf wherfor it may please your highnesse in tender consideracon of the premisses and for [that] your said seruauunt can haue no remedy ther at the comen lawe to graunt your gracious lettres of priue seal to be directed unto the said Henry commaunding hym by the same upon a great payne tapper [to appear] afor your grace and the lordes of your most

noble counsaill at a certain day to be lymytted and this at the reuerence of god and in the way of charite.

Annexed is (1) the answer of Henry Garnett to the bill of compleynt of Sir Thomas Butler knyght.

The said Henry saith that oon James Haryngton knyght and other was seisid in there demean as of fee of and in the said landes & tenementes to thuse of oon Sir William Butler knyght disceassid and they being so seisid at request of the said Sir William by there sufficient dede redy to be shewyd grauntid unto the said Henry for his good seruice doyn and after that to be doyn unto the said Sir William oon annuite of v markes goyng out of the said landes specified in the said Bill of compleynt with clause of distres conteyned in the same by force where of the said Henry was peassibly possessid of the said annuite unto [until] now of late that the said Sir Thomas restreyned the said rent for the which the said Henry distreyned as lawfull was for hym to doo And the said Sir Thomas made riscus [rescue] whereupon the said Henry compleyned hym unto the ryght noble lord Thomas Erle of Darbey which sent for the said Sir Thomas to shew why that he made the said riscus and then as well the said Sir Thomas as the said Henry submyttid theymselff to abyde the award of & upon the said varyaunce of the said Erle which awardyed that the said Sir Thomas shuld yerely pay unto the said Henry xxvjs viij^d And for defaute of payment thereof that the said Henry shuld distreyn in the landes and tenementes for the said annuity of v markes accordyng unto his said graunt for the which xxvjs viij^d the said Sir Thomas in the presens of the said Erle assigned unto the said Henry a close of the yerely value of xxvjs viij^d whereinto the said Henry entred and was and yit is possessid of the same which is the said landes & tenementes named in the said bill to be of the value of xxvjs viij^d without that the Henry hath &c. [as in the bill].

(2) The replicacon of Thomas Boteler knyght to the answere of Henry Garnet :

The seid Sir Thomas ferther for declaracon of trouth replieth & seith that the seid pretended dede of grant of the seid surmysed anyte is craftely & untrewly forged to thentent wrongfully to charge the seid Sir Thomas with the seid anyte, neuertheles if the seid graunt were good & trewe as it is not, yet the seid Sir Thomas by reason of the same graunt ought not to be charged with the seid anyte fore hee seith long tyme afore the seid graunt supposed to be made all the seid londes tenementes and rentes in the seid bill specified were of old tyme intailled to the auncestres of the seid Sir Thomas which are nowe discendid to the same Sir Thomas as heire by force of the seid intaille without that that the seid John Holcrofte [*sic*] in the seid

aunswere specified infeoffed James Haryngton and other to the use of Sir William Boteler knyght in maner & forme as in the seid aunswere is surmysed &c.

[Endorsed] Trinity Term in the xiiijth year [1499].

BORWICK v. WHITTINGTON

Re MANOR OF BORWICK, CO. LANC.

(S.C.P., Henry VII, No. 116)

To the kyng oure souereyn lord. Humbly shewith and compleyneth unto yo^r highnes yo^r trew and feithfull sugett and leigman Averei Berwyk son and heir of Thomas Berwyk Gentilman disceassid that where yo^r said sugett beyng lawfully seised and possessed by lawfull course of inherytaunce after the deth of his said fader of and in the maner of Berwyk with thapp^rtynaunce within ye Counte of lancaster in his demean as of fee to such tyme as oon Thomas Whytyngton Gentilman immediatly after yo^r fyrst feld withoute eny title or right riotously and with greatt force and myght entred into the said Maner with thappurtenaunce & thereof expellid and put oute your said poer sugett, your said sugett then beyng under the age of x yeres and frome his said unlawfull entre he kept the same forcibly at all tymes duryng his lyff so that your said oratour for great fere durst neuer come thereunto to enter, upon which premysses your said poer scugett by peticon compleyned unto your highnes Whereupon it pleased your highnes to graunt your letters under your privey seale to be dyrectid unto the said Thomas comaundyng hym by the same to appere before your highnes and the lords of your most honourable counsell at a certen day afore which day the said Thomas died and so it is now gracious lord that oon John Whytyngton broder & heir of the said Thomas hath lykwise entred into the said maner and forcibly kepis the same so that your said sugett can nott ne dare for fere of bodyly hurt come to the said ground to atteyn thereoff any possession, in consideracon whereof and for that your said sugett is poer & dwelles in a countrey fer frome the said maner and hath no substaunce to pursue for his remedie by the cours of the comen law Please it your highnes of your most noble and habundaunt grace to graunt your letters under your privey seall to be dyrectid unto the said John comaundyng hym by the same to appere before your highnes and the lordes of your most honorable counsell at a certen day and under a certen payn by your highnes to be lymitted there to make answer to the premisses.*

* [Note below this]:—11 October 15 [Henry VII [1499]] at Westminster in the Octave of St. Martin.

Annexed is (1) thanswer of John Whytyngton to the byll of compleynt of Avery Berwyk in which he sayth that he holdyth the seyd maner with thapportenaunces in "parcenere" be old cours of descent of herytage with oon Thomas Bowyer (other wyse called Williamson which seyd Bowwere ys yett in full lyfe) nott namyd in the seyd byll and therefore the seyd John Whytyngton prayeth the seyd bill may abate and thavauntage of all the þmisses to hym savyd ; yff he be compelled to hutter answer he seyth for his parte and porcion of the seyd maner that the seyd maner ys intaylled off old tyme in the auncetrez of the same John and for defeaute of soche issue the fee simple of the same maner in the same auncetrez whych sayd auncetrez hath contenuyd the possession off the same maner according to the seyd tyle and after that the sayd Thomas Whytyngton Brother to the defendaunte hathe peassable occupied and injoyed the same be many yeres and days wyth owt eny clayme made be the seyd Auerey or his auncetors and so the seyd byll ys contruyed only for to troble and vexe the seyd defendaunt without that that the seyd Auerey ys son and heyer to Thomas Barwyke or that the seid compleynaunte ys or euer was seassed be lawfull cours of inherit-auns of the seyd maner lyke as ys surmised be the seyd byll and without that the seid Thomas Whytyngton ryotusly with force and myght entred in to the seyd maner after the fyrst feld of ower Souerain lord or eny other tyme but lawfully accordyng to his tyle or that he euer expelled or putt owte the seyd pleyntyf lyke as ys also surmysed for the playntyf was neuer in posession of the premisses &c.

(2) the replicacion of Auerey Berwik to thanswere of John Whetyngdon [merely reasserts the allegations of the bill].

(3) [What would appear to be the defendant's rejoinder is almost entirely illegible.]

ADENE (*or* HEYDON) *v.* RYDER AND OTHERS

ASSAULT AT KYNSULTON [? CHRISTLETON], CO. CHESTER

(S.C.P., Henry VIII, Vol. i., fo. 35)

To the kyng our souerayn lord. Lamentably compleyneng shewith unto your highnes your true and feithfull Subiect Thomas Adene that where your seid subicet beyng in goddes peace and your graces at Kynsulton in the countie of Cestre the second day of July last past one Rafe Ryder Richard Ryder Rafe Congreffe John Ryder John Walton and William Morgan with other evil disposed parsons to your subiect unknowen at Kynsulton aforesaid in riotouse maner that is to say with bowes and arrowes billis swordes and staves assembled and then and there betwene ix and

x of the clocke in the nyght of the second day of July upon your subiect did make a sawte and hym sore bete greuously maymed and wounded through the whiche he was in great perill of deth, and most grociouse souerayn lord the seid riotouse persons not with that contentid dayly do lye in wayte in dyuerse and sondry places within the seid countie to murder and sle your seid subiect in exchueng whereof he dareth not abyde in his natyve countre to travell for his pore lyving whiche is to his utter undoying, whiche riott unlauffull assemble and other mysdemeanour before declared if condigne punyshement be not for the same had shalbe a great encorigesyng and perillous example to all other well disposed parsons hereafter disposed lykewise to offend. In tender consideration whereof that it may please your Majestie to graunt your seuerall wryttes sub pena directed to the Rafe Ryder and the others commanding them by the same personally to appere before your highnes and the lordes of your honourable cowncell in the Star Chamber at Westmynster, &c. [No date.]

[Signed] HENRY HEYDON.

THE KING'S ALMONER *v.* MAKAM

Re GOODS OF A SUICIDE IN CO. CHESTER

(S.C.P., Henry VIII, Vol. i., fo. 111)

To the lordes of the kynges most honorable Councell. Most humbly shewith unto your good lordshippes William Ottye deputye generall unto the reverend father in god Nicholas Bysshop of Wurcestre chefe almoner unto our most drad sovereigne lord that wher one Kateryne Makam late of Offerton in the County of Chester wedow being seduced by the devill upon corpus xpi day in the xxxvth yer [1543] of the reigne of our souereigne lord at Offerton aforeseid did then and thear feloniously & as a felon of herself droune herself as by an Inquisicion taken at Offerton aforeseid before Robert Delahay one of the coroners of our seid souereigne lord within the seid countye of Chester upon the vewe of the seid Kateryne playnly doth & may appeare by reason whereof all suche goodes debtes & chatalles as were of the seid Kateryne the day of her seid deth ought & of right do apperteyne & belong unto the distribucion of the seid almoner in augmentacion of the kynges most gracyous almes by vertue & according to the forme of the kynges most gracyous lettres patentes made unto the seid almoner in that behalf as by the same more at large doth appeare So it is that seid Kateryne was possessed the day of her seid dethe of certen goodes debtes & chatalles amountyng to the some of x^{li} sterling or thereabout which ben com to thandes & possessyon of Robert Makam Elyzabeth Makam & the said Robert Delahay and

albeit the seid William Ottye by one Robert Holford, gent. hath often & sondry tymes requyrid instantly desyerid the seid Robert Makam Elizabeth & Robert Delahay to restore & delyuer unto hym to thuse aboue seid the seid goodes & chatalles being of the seid value so by theym unlauffully conveid & caried, yet to do the same Robert Elizabeth & Robert hath at all tymes wrongfully & contemptuously refusid & denyed & yet doth, not only in contempt & despite of our seid souereigne lord & his seid lettres patentees therof made to thentent aboue seid but also to the great hyndraunce & lett of his maiestyes almes which shold haue bene mynystred by his seid almonor to his highnes poore & impotent subiectes & to the perilous & evill example of all suche lyke offendours if connigne punysshement & spedy remedy therin be not by your most honorable lordshippis shortly prouydid & had in this behalf. In Concideracon it may pleas your good lordshippis the premysses considerid to graunt the kynges seuerall writtes of subpena to be directid unto the Robert Elizabeth & Robert commaunding theym & euery of theym by the same personally to appeare before our seid souereigne lord & your good lordshippis in the Sterrid Chambre at Westminster at a certen day & upon a certen payne therein to be lymytted then & thear to answer to the premysses and to abide suche further ordre and derecon therein as by your good lordshippis shalbe thought to stand with equitye & justice.

ARDERNE *v.* ARDERNE

Re THE MANOR OF TIMPERLEY, CO. CHESTER

(S.C.P., Henry VIII, Vol. ii., fos. 1-5)

To the right honourable Lord Sir Thomas Audley knight lord Audely of Walden Lorde Chauncellor of Englonde.* In most humble wyse shewyth and complayneth unto your good Lordshypp your daly orator Wyllyam Ardren gentyllman that where one Hamon Ardren father of youre seid supplyaunt was in his lyfe tyme seased in his demeane as of fee by good and iust tytyle of and in the manor of Tymperlegh and of and in ten messuages foure score acres of londe twenty acres of medow fyftee acres of pasture four acres of wood a hundred acres of turberye with thappurtenannces in Tymperlegh in the countye of Chester And he so seased oone John Legh and other recouered the seid manor and thother premisses ageanst the seid Hamon beyng then freholder of the premisses by a wrytt of *entre sur disseason in the post* accordyng to the due cowerse of common recoueryes now used to the use of the seid Hamon and his heyres by force wherof

* [This *Chancery Bill* is among the Star Chamber Proceedings.]

the seid recouerers were thereof seased in there demeane as of fee to the use of the seid Hamon and his heyres. Now the seid recoverers were so seased to the same use tyll the iiijth day of February in the xxvijth yere [1535-6] of the reigne of oure souereigne lorde kynge Henry theight at w^{ch} iiijth day the seid Hamon was seased of the premisses in his demeane as of fee by vertue of an acte of perlyament made and provyded the seid xxvijth yere and the seid Hamon beyng so seased of the premisses dyd gyve the premisses by dedys redy to be shewed to youre seid supplyaunt, to haue to him & his heyres males of his body laufully comyng, by force whereof youre supplyant was therof seased in his demeane as of fee tale. So yt is ryght honorable lorde that Anne Ardren and Elyzabeth Booth wydow and Rychard Leghe gentylman hath entered in to thre messuages and one close called the new felde percell of the premisses beyng in the seuerall occupacons of John Legh Thomas Alcraft Wylliam Alcraft and Rychard Legh and thereof wythout iudment or cause resonable haue diseased your suppliaunt and wrongfully takyth the issuys therof and will not suffer youre suppliaunt his tenants and fermores thereof peaceably to haue and enioye the same accordyng to his ryght and tytyle therin and the same wrongfully deferreth contrary to all ryght Also dyuers euydences concerning the premisses be com to the handes and possession of the seid Anne Elyzabeth and Rycharde or of y^e oone of them the delyuery of which sseid evidens youre seid supplyant hath oft and many tymes required and the same to delyuer unto your seid supplyant the seid Anne Elyzabeth and Rycharde at altymys hertofore hathe refused and yett dothe refuse And for that your seid supplyant knowyth not the contents nor certentye of the seid evidens nor whether the be in chest locked bagg or box sealed, therefore for the recoverye of the same youre seid supplyaunt hathe no remedy by the course of the common law to his great losse except spedy remidy to hym in this behalfe be prouided and had by your good lordshipp. In tender consideracion whereof may yt please your good lordshipp the premisses considered to graunte to your seid suppliaunt the kinges severall writtes of sub pena to be dyrected unto the seid Anne Elyzabeth and Rycharde commaundyng them personally to appeyre before your good lordshipp in the kynges highe courte of chauncerye at a certayne day and uppon a certeyne peyne by your good lordshipp to be lymyed then and there to answeere to the premisses And further upon lyke peane by the same wrytt to enioyne and commaunde the seid Anne Elyzabeth and Rycharde that they and euery of them shall peaceably permytt and suffer youre seid supplyaunt to occupye the premisses wythout interruption until the seid matter be dyssised discussed or otherwise determyned in this honorable courte of chauncery.

Appended are (1) The bill of the said William Ardern filed against the abovesaid defendants, with Edmond Vawdrey, clerk; John Nyld and Robert Ryle, in the Court of Star Chamber, which is identical with the above Chancery Bill down to 'So yt is,' from which point the Star Chamber Bill proceeds as follows:—So yt is, moost gracious soveraign lord, that the abovesaid defendants and diverse other ryotous persons to your said oratour unknowen in ryotous maner arreyde, that is to saye with swerdes, buclers, daggers, staves and other wepyns invasyve, again your pece, most drad soveraign lord, in the moneth of Maye in this present xxxvth yere of your moost noble rayne, entrid into iij messuages and one close called the newe feld parcell of the premisses being in the seuerall holdings of John Legh Thomas Alcraft William Alcraft and Richard Legh and thereof without judgement or cause reasonable haue disseyed your said oratour and wrongfully takyn thissues and profytes therof and will not suffer your said oratour his tenauntes and farmours thereof peasably to haue the same according to his right but the same wrongfully deforcyth contrary to all right, and yf your said orator should attempt to entre into the same there were lyk to insue daunger and brech of the kynges peace and so shall be without remedy therefore unles your graceious ayde be unto hym shewid in this behalf. It maye therefore please your magesty the premisses concyder[ng] to graunt seuerall wryttes of subpena to be derectid to the said Anne Ardern Richard Leghe and Edward Vawdrey & the other riotous persons before namyd commaundying them to appere before your magesty and your most honorable counceill at Westminster at a certayn day to answer to the premisses &c. &c.

(2) The answer of Anne Ardren, Elyzabeth Bothe, wedowe and Richard Legh, gent., stating that the bill [in the Star Chamber] is filed for no other cause but to vex the defendants, as the compleynant hath likewise done in the King's Exchequier at Westminster, the Court of Chancery, and before the Kynges Justices in the County Palatine of Chester. They beg to be discharged out of this court, with their resonable costs and charges, the said Anne being an infant, the said Elizabeth an agett woman of 60 yeres and more, and the said Richard being sekye and aged.

(3) Writ dated 10 November 36 Henry VIII [1544] directed to John Doon, Laurence Smyth & John Massy, knights, to take the answer of the said Anne Arden & to make return to the King and his Council.

(4) The answer of Ann Ardern Richard Legh John Nyld and Robert Ryle to the bill of complaint of William Ardren.

They acknowledge that Hamnet Ardern named in the said bill of complaint was seased of the said three messuages and one

close called the new feld mencioned in the said byll in his demesne as of fee and so being thereof seased in consideration of a marriage had and solempnyed between John Ardern then son and heyre apparaunt of the said Hamnet and Elizabeth, daughter of oone Henry Partington longe tyme before the supposed recouerye mentioned in the said bill of complaynt enfeofed one Randolph Ardern Humfrey Newton William Bowdon and Randolph Venables & theyre heyres of and in the said three messuages and other the premysses to the use of the said Elizabeth for the term of her life with remainder to the said Hamnet & the heirs of his body lawfully begotten whereof the said Randolph and his co-feoffees were seased of the said premisses until the 4th day of February [specified in the bill of complaint] & that the said Elizabeth by force of the makying of the said statute in the xxvijth year of the lord the king was seased in her demeane as of freehold and after the death of the said Hamnet & the subsequent death of said Elizabeth, the said premisses discended to the said Anne Ardern as cousin [grand daughter] and heyre of the body of the said Hamnet that is to say daughter of the said John son & heir of the said Hamnet, and the said Anne Ardern and the other said defendauents, as servauntes to the said Anne, in the said month of May intred into the said three messuages & she takyth the rents as lawfull is for her to do, without that that &c.

(5) Interrogatories proposed to the said Anne, with depositions taken at Chester 3 September 36 Henry VIII [1544] before Sir John Doon & Sir John Massy knights.

She saith that when she entred into the said premisses in her cumpanye there were Richard Leigh of Baguley esquire and Sir Edward Vawderey priest and two of the household servants of the said Richard Leigh and also one John Nelde and that they carried no other weapons but such as they dayly used to were; also that the said Richard Leigh beyng appoynted by the kynges Justyce of Chester to be her gardien dyd gyffe her counsell to entre into the premisses and into her inheritaunces.

ARDERNE *v.* BOOTH, CHATTERTON & OTHERS

Re MANOR OF TIMPERLEY, CO. CHESTER

(S.C.P., Henry VIII, Vol. ii., fo. 6-8)

To the kinge our souereyn lorde. In moost humble wise sheweth unto your highnes your dayly oratour Wylliam Ardern and one [of] the yeomen of your graces garde that wher your said oratour was and yet is seased in his demesne as of fee of and in the Manor of Tymperley with certeyn landes tenements feldes

pastures and medoys therunto belongyng with appurtenances in your countie of Chester of the gift and feffement of Hamond Ardern father to your said orator, the owners of the whiche Manor, landes, and other the premisses with appurtenances haue always had a certeyn yerely profett of the seyd Manor by reason of dyggyng and makyng of turves upon the landes of the sayd manor whiche turves dried ys and alwaye hath byn a usuell fuell for fyre in the said parties. So yt is moost dred souereyn lorde that your said orator in the xxixth yere of your moost vycoryous reyn [1537-8] in the tyme mete and convenyent for the same had caused to be digged in and upon parcell of the landes of the said Manor certeyn turves for fuell whiche after they had byn dried your said oratour entendyd to haue put to sale for his profett and auantage as he yerely useth to doo, and the said turffes so lying and beyng within the sayd manor one Robert Parker late of Dunham in your said counte, yeoman, George Chaterton of the said counte gent., Edward Ryle of Tymperley forsaide, Richard Hardy housbondman, Robert Vauderey housbondman, with dyuerse other ryottes persons to the number of x or xij by the commaundementes of George Boyth esquier and Elesabeth Bothe wydowe in ryottes maner arrayd that is to saye with spades stavys bylles shovelles and other wepens ageyn your pease souereyn lord the Munday nexte before the fest of Pentecost this present xxxth yere of your moost noble reyn [1538] ryottesly into the landes of the sayd manor wher the sayd turffes lye brake and entryd and then and ther not only made assaulte upon dyuerce the seruauntes of your said oratour as well women as men then and there beyng in makyng and dyggyng of turffes and put theym in suche fere that they were for savegarde of their lyves fayne to flye and departe from the sayd landes but also the said malifactors together with Homffrey Barlowe Edward Ryle the sayd Richerd Hardy John Gyl and James Hardy by the commaundementes of the said George forsybly took and conveyde awaye owte of the said grounde wher the said turffes laye suche number of turffes as pleased theym of the goodes of your said orator in the nyght to the grett hurte and losses of your said orator. And not with this contentyd nor satesfied the sayd malefactors by the commaundementes of the sayd George and Elizabeth from tyme to tyme put the seruauntes of your said oratour in such feere and jupardie of bodely hurte that they darre not worke nor digge turffes upon the landes of your orator, and of very malyce and evyll wyll which the sayd George Bothe bayreth ageyn your said oratour he the sayd George and other his adherents haue so manessed the sayd Hamond Ardern father of your said orator beyng a blynde man and of thage of foure score yeres that he for savegard of his lyfe ys fled and departyd from Tymperley

forsayd wher he enabyted and dwellyd unto the Cyte of London ledyng here a poore lyve to hys grett hevynes, and the whiche George Boyth and Elesabeth be so frendyd withyn the sayd counte of Chester that your sayd orator is not of abylyte to nor power to pursue any lawe therfor his remedy. And by suche unleffull wayes and meanes your said oratour is lyke to be undon unlesse your moost gracyous ayde and socour be unto hym shewed in this behalfe. Hyt may therfore please your grace of your benygnyte and goodnes to graunt your seuerall wryttes of subpena to be dyrectyd unto the sayd George Bothe and the others above named commaunding them by virtue thereof personally to appere afore your grace and your most honourable councyll at Westminster at a certain day to aunswer to the premisses and to sett such an order dyreccion and judgement theryn as shall stand with right eyte and good consciens.

Appended are the answers of (1) Robart Parker to the bill of compleynt of William Ardern; (2) George Bouthe; (3) George Chatterton and Edward Ryle. They all say that they did not know that the ground wherin the said turves were gotten was or is the proper grounde and soille of the said William Ardern as stated in the bill and deny the charges of violence & assault.

(*Ibid.*, fos. 12-17.)—These are a continuation of documents in the same suit, viz. a writ directed to Edward Waren and Richard Legh, directing them to summon the defendants before them to make answer to the complaint; the said commissioners' certificate that their answer was taken accordingly at Dunham Mascy, 18 Oct. 30 Henry VIII [1538]; the paper draft of the bill; and the defendants' answer, in which they declare the matter ought to be determined at common law in the county of Chester. They allege that the plaintiff's father sold 3 messuages in Tymperley, with lands thereto belonging, to Robert Hondeford, gent., and James Barlowe, which descended after their death to Humphrey Barlowe, son and heir of the said James. And the plaintiff, being the King's servant, of his high and cruel mind with force wrongfully entered into the turbary belonging to the said 3 messuages; Barlowe's tenants came to George Bothe, esq., at Altrincham, and required him to send to the plaintiff to surcease his wrongfull digging. He sent Parker, who took Chaterton and Vaudrey as his witnesses.

(Bundle 22, No. 275.)—The writ (20 Nov. 30 Henry VIII [1538]) directed to Sir William Brereton, Sir Peter Warberton, Robert Duckenfeld and Thomas Dannecalf, esquires, to take depositions in the above matter; the interrogatories; and the

depositions, taken at Chester, 17 January 30 Henry VIII [1538-9].

William Davorne of Tymperley, aged 53, says the plaintiff's father was seised of the manor of Tymperley, until he made a gift thereof to his said son William, about 3 years past. For 16 years past he and his son have gotten turves upon Tymperley Mosse without interruption, till the instance complained of. George Boythe, esquire, and his servants were not privy to the carrying away of the turves.

Robert Cryshawe, aged 40, and Richard Hunt, aged 30, both of Tymperley, depose to the like effect.

William Gybbyns of Tymperley, aged 53, knows of no such gift made to the said William, and alleges that Hamnett is still seised of the manor. He knows of no disturbance to the plaintiff's getting of turves.

Edward Raynescroft, aged 22, and Rycharde Darbyshire, aged 19, depose as Gybbyns has done.

LORD AUDLEY *v.* CHOLMONDELEY (CHAMLEY)

Re A MILL AT NEWHALL, CO. CHESTER

(S.C.P., Henry VIII, Vol. ii., fo. 230)

To the kyng our Souereyn lord. Humble complaynyng showythe your highnes your trewe orator & feythfull subiect John Tuchet knyght lord Audeley that where your complaynaunt was & yet ys seasyd in hys demene as of fee of & in the Manor of Newhall in your countie of Cheschyre by title of inherytans to hem dyscendyd from hys auncestors wherof a certen gryse mylle whyche on Rycharde Leche deceasyd of late held was & yet ys parcell & so was your orator therof pesably seasyd tyll the xxiiijth day of Nouember last past, that on Rycharde Chamley of your seyde Countie gentylman & others of hys adherens to the nomber of iij score persons at the least howse names to your orator are unknowen, contrarie to your pease wyth force and armes that ys to wete wythe bylles clubbys staves swordes buclerz & other wepens invasyve att Newhall aforesaid wrongfully assemblyd them selffes together & then & ther wrongfully & forceable entryd yn to the seyde myll & also ryotusly then & ther made an assaute apon on George Touchet sone & heyr apparaunt of your complaynaunt, whyche myll the seyde Rycharde & other of hys adherens forcably yet do wythhold from your oratour contrarie to all right & good concyens & to the yll example of your subiectes ther onles deu redres & ponyschment to them be don yn that behalf. In consyderation wherof may ytt plesse your highnes to graunt forthe your gracyus wrytte of subpena to be drectyd to the seyde Rycharde Chamley commaundyng hym by

vertue of the same & apou a certen peyn to appere before your heyghnes & your most honerable councell yn your sterr chamber at Westminster not only ther to answere the premysses but also to declare & dysclose the names of all other of the seyd ryotuse persons to the intent that they accordyng to the ordre of your lawes of thys your realme may be callyd uppe to make also answere to the premysses & to haue condyngne ponysshment & also to suffer your oratour pesably to haue & iniey the seyd myll accordyng to hys seyd title & them further to be don as shall stand wythe equyte & iustice. [*No year given.*]

AYRE *v.* MARBURY

Re LAND AT OVER WALTON & NETHER WALTON,
CO. CHESTER

(S.C.P., Henry VIII, Vol. ii., fo. 275)

To the kynge our soueraigne lorde. In his most humble wise shewith and complayneth unto your roiall highnes youre pore subgiēt and daily orator Richard Ayer that where one Roger Ayer graundfader to your seid orator was seased in his demeane as of fee of and in xij acres of lond with appurtenances lying in Ouer Walton and Nether Walton in the countie of Chester and so seased of suche estate therof died seased, after whose deth the seid xij acres of lond came & discended unto Richard Ayer as son & heyre unto the seid Roger by force wherof the seid Richard Ayer entred into the premysses and was thereof seased in his demeane as of fee and so seased therof died seased, after whose deth the premysses came and discendid unto your seid subgiēt as son and heire unto the seid Richard by force wherof your seid subgiēt entred into the premisses and was therof and yet is seased in his demeane as of fee, and so it is most gracious soueraigne lorde one Richard Marbury in the life of your said Richard Ayer fader to your said subgiēt, he being a veray olde impotent man without any color of title entred into the premysses and did damages apou the same where apou your seid Richard Ayer [fader] to your seid subgiēt commensed an accion of trispace agaynst the seid Richard Marbury before your justices at West Chester within your seid countie palentyne of Chester to which accion the seid Marbury appered and pleaded to the same said processez therein contynewed unto suche tyme the parties were at issue and xij substanciall persons enpanelled to trye the seid issue, which xij men founde apou ther othes that the said Richard Marbury was giltye for entryng into the premysses and gave unto the seid Richard Ayere damages and costes as more plainely apperith of recorde before your seid justicez within

your seid countie palentyne ; that not withstanding soueraigne lord the seid Marbury wold not suffer the seid Richard Ayer the fader peaseably to occpie and inyoe the premyssez, for remedy wherof he was compelled of necessitie to complayn unto the honorable counsell of youre most derest doughter the right noble lady Prynces wherapon the seid counsell awarded process against the seid Marbury apon which processe the seid Marbury appered before which counsell, the matter aboue specified was delyberatly examyned and debated and apon rype remembraunce and good deliberacion had it was ordered by the said counsell that the said Richard Ayer the fader shuld haue & inyoe the premyssez according to the tenor of a dede of particion indentid shewed before the seid counsell and that the occupier of the premyssez shuld pay unto the seid Richard Ayer the fader the yerely rentes of the premyssez and all the arrerages of the same with x^s of costes as by the seid order plainly apperith which order and decree the seid Marbury contemptuously brak and wold not obey and performe the same wherapon the seid Richard Ayer newly complayned to the seid Prynces counsell before whome the seid Marbury also appered agayn and the matter combrised in this bill newly heard & examyned by the seid Counsell to whome it appered by the examynacion therof that the seid Marbury had nether suffred the seid Richard Ayer to occupie the premyssez nor paid hym for his costes according to the seid order and decree or obeyd and performed any thing in the same conteyned. Therefore the seid Prynces counsell newly orderd and decreed in maner and forme folowyng ; for asmoche as the seid Richard Ayer is serued with a prevey seale for his apperaunce in the Duchie Chamber concernyng this matter which was sued owte by one Elizabeth Raynshawe tenaunte to the seid Marbury by means & procurement of the seid Marbury which he cannot denye It is orderd by the seid Counsell that the seid Marbury shall not onely satisfie the seid playntyfe of the seid x^s of costes and the seid arrerages togider with vjs due for the rentes the yere last past and iijs iiijd for the costs of the said Ayer by hym sustened by reason of the breche of the seid former order & decree And also the seid Marbury shall suffer the seid Ayer to inyoe the premyssez according to the seid former order and decree as by the seid order also apperith. All this notwithstanding the seid Richard Marbury lyke a man that fered not the daunger of your lawez soueraigne lorde willingly and contemptuously did breke both the seid decreez and wold nether suffer the seid Richard Ayer in his lyfe tyme peaxably to occpie the premyssez or yet your seid subyet syns the deth of his seid fader to take the profittes therof, wherapon your seid subyet syns the dethe of his seid fader complayned newly agayn unto the seid Prynces counsell

before which counsell the seid Marbury appered and by the same counsell was comytted to warde for brekyng of the seid orders and decreez and your seid subyiet had xxs adiuged hym by the seid counsell for costes which was and yet is unpaid and at the importunate labor and instaunce of the freyndes of the seid Marbury the seid Marbury was delyuered owte of pryson and bounde by the seid counsell to appere in this most honorable courte before your highnes and the lordes of your most honorable counsell to thentent that your highnes and counsell might knowe howe and in what manner the seid Marbury had handelled your seid subyiet and his seid fader in the premyssez and how contemptuously he had dispised and broken the seid orders and decreez take[n] and made by the seid prynces Counsell and to thentent and purpose that your highnez and your most honorable counsell might not only see due reseruacion of the premissez but also to punesshe the seid Marbury according to his demerates in this behalfe, besychyng your highnes in the honor of God and in the way of charitie to see your seid pore subgiet recompensed for the seid iniuries and wronges done & comytted by the seid Marbury in forme aboue seid and to se your seid subgiet satisfied for his costes for his iniust sute and vexacion by hym sustened in this behalf without any further delay.

Appended is the answer of Richard Marbury in which he saith that oone John Marburye father unto the said Richard Marburye was seased of and in the premyssez specified in the bille of complaynte in his demeane as of fee as parcell of his manor of Walton in the towns of Overwalton and Netherwalton within the countie aforesaid by good title and course of enheritaunce and the yssues and profightes of the premyssez did peasably take during his liff by the space of xxx yeres and so seased aboute xxiiij yeres paste of the same premyssez dyed seased, afre whose decease the premyssez descended and of right ought to descende and come unto the said Richard Marburye as sonne and heyre of the said John Marbury the same Richard then being of the age of xv yeres and in warde to oone John Danyell of Darresburye within the said Countie of Chestre esquier of whome the premyssez wer and be holden by knyght service which forsaid John Danyell contynued his peasable possession in the premyssez during all the nonage of the said Richard Marbury and the yssues and proffightes thereof did take and perceive without lett or interruption of any person and afterward the said Richard Marburye at his fulle age into the premyssez entred and was thereof seased in his demeane as of fee by dissent as in his lawfull enheritaunce and the said Richard Marburye and his fermours the yssues of the same premyssez by the space of xvj years haue peasably taken as they myght lawfullye doo as verye

trewe owners thereof. And further the said Richard Marbury saieth that the said tryall in the action of trespase in the said bille of complaynte expressed was had and the verdyte in the same geven without any evidence for the parte of the said Richard Marburye geven in the same forasmoche as the said Richard Marbury lacked his evidence there concernyng the premysses at the same tyme, and as concernyng any ordres taken afore the said ladye prynces counsaill the said Ric. Marbury saieth that at such tyme as the said ordres wer made the said Richard Marburye prayed then to be remytted unto the comon lawe for the causes and consideracions before expressed lyke as he doth nowe praye which said counsaill wold not suffre hym to be tryed by the ordre of the common lawe there without that that the said Roger Ayre the graundefather in the said bille of complaynte named or the said Richard Ayre the father dyed seased of the said premysses as by the said bille of complaynte is untrewly surmytted and without that that &c. [*No dates.*]

AYNESWORTH *v.* RADCLIFFE

Re BURNING OF HAY AT RADCLIFFE, CO. LANC.

(S.C.P., Henry VIII, Vol. ii., fo. 278)

To the king our liege lord and the lordes of his most noble counsaill Piteuously compleyneth unto your highnes your power orator George Aynesworth that wher as oon John Radclyf of Radclyf in your countie of Lancaster esquier of malice and evill will contrary to your lawes & peas riottously commaunded oon John Radclyff the sonne of Richard Radclyff otherwise called blak John with other riottous personnes unknowen to the number of xvj the day next afore the vigill of saint Laurence in the furst yere [1509] of your most noble reign in riottous wise and in maner of warre arrayed with armour and defencible wepons to go to a place of your said oratour and ther brake his berne dores and xvj carte lode of hay therin layde by your saide orator for the releef and sustentacion of his catell in winter tyme pull it out of the saide berne, and sette it all on a fyre, which comaundement of the saide John Radclyff the saide personnes executed to the grete affray and vexacion of your saide besecher and to his uttermost undoyng not oonly for the brennyng of the saide hay but also for the famysshing of his said catell to his hurte and damage of xx^{li} wherby and with other malicious meanes of the saide John Radclyff esquier your sayde oratour is soo enpoueressed that he is of noon power to sue for his remedie at the comyn lawe. Wherfor the premysses graciously considered [be pleased] to send your sergeant of armes for the saide John Radclyff of Radclyff

esquier and John Radclyff the sonne of Richard Radclyff otherwise called blak John nowe being in towne to come before your highnes and your most honorable counsaill ther to answer to the said riottous demeanyng and to abyde such direccions as your saide counsaill shall award.

Endorsed :—John Ratcliff theldyr sworn seith that he knew not of the ryott surmysed befor it was doon ne he commaunded his seruauntes ne other man to do as is surmysed, nevertheless he herd sey that the hey was brent by oon called Richard Kyrk that tyme being fermor to [him] that deposit, and at that tyme was putt owt by George Aynsworth, and for despite thereof the said Kyrk, accompanied with iiij or v other personns to hym that deposit unknown, brent the seid hay, and the said Kyrk was at that tyme seruaunt unto Sir [John?] Southworth and now dwelleth in the parish of.....[?].

BARLOW *v.* TATTON

Re A WEIR IN THE MERSEY

(S.C.P., Henry VIII, Vol. iii., fo. 131)

To the kynge our soveraynge lorde. In most humble wyse complaynyng sheweth unto your highnes your obedient subiecte Alexander Barlowe of Barlowe in the county of Lancaster, esquier, that wheare your said subiecte is lawfully seased in his demeane as of fee simple or fee taylor and in one water myll & diuers landes & tenementes in Barlowe aforesayd, and also wheare your said subiecte his auncestors & all thos whos estate he hath of & in ye premisses haue had tyme wherof the mynde of man is not to the contrary on[e] weyre set & beyng in the ryver of Marsey extending from the one banke of the said ryver in the said county of Lancaster unto ye other syde or banke of the said ryver in the county of Chester, by reason whereof your said subiecte & all thos whos estate he hath of & in the premisses haue taken conveyed & had so much of the cours & streame of the said ryuer unto the said mille from tyme to tyme as should or did suffice for the contynuall gryndinge & mayntenaunce of the said myll and also haue used tyme out of mynde to repayre & maynteyne the same weyre when and as often as neade required. So yt is most gracyous soveraigne lorde that one Roberte Tatton of Withinsha in the county of Chester, Esquier, Jamys Hoggekynson, Jamys Rawson, William Janne & Henry Riell & divers other ryottous & evill disposed persons to your graces subiecte unknowen in most ryottous maner did assemble them selues together at the said weyre, in the county of Chester the xxviiith day of January last past & pulled up parte of the said weyre & theare neare

adioyninge to the said weyre did cast a great trench or dytch for the socor & encourraginge of the said riottous persons, & furnisshed & stored the said trench with a great number of stones & buylded thear a house to thyntent to keape the said riottous persons there day & night. And after your said subiecte, perceavinge the said weyre to be broken & pulled up, commaunded diuers of his servantes to repaire & amende the saide weyre in peaceable maner, by force whereof they went & resorted to the said weyre the xxxth day of January last past to have repaired it in very quiet & peaceable maner. And the said Robert Tatton, beinge accompanied with diuers other riottous persons to the number of xxx to your said subiecte unknowen, beinge by the commaundment of the said Roberte in forcyble maner strongly & unlawfully harnisshed with jackes & salletes, & also havinge divers & outrageous weapons defensive & invasyue, that is to say swordes & bucklers, speares, billes & diuers other unlawfull weapons, the said Roberte, havinge a polleaxe in his handes, did leade & conducte the said riottous persons after the maner of warre in most rebellious maner assembled unto the said weyre in the said county of Chester, & then & there in like riottous maner with force & armes againste your grace's peace, crowne & dignity, the said Robert caused by estymacion CC riottous persons or thear aboutes to your said orator unknowen to be well harnisshed & placyd in busshementes & certen hedgerowes dyches & groves neare adioyninge to the said weyre to be in a redynes to ayde the said Roberte & his said companye, if neade required. And further he did cause a bell to be rounge a laroum, by reason of which warninge given thear was most rebellyously assembled of your Graces subiectes above the number of 700 persons in the favour and ayde of the said Roberte Tatton, and they did assaulte, wounde and cruelly entreate the said labourers or servantes then aboute to repayre the weyre, to wit, one with a speare in the arme, and a nother on the legge with a stone, who escaped away onlyve with great difficultie; and these rebellyous routtes continued the most part of the said daye. And the said Robert, not thus contentyd, doth yet continually with great force keepe wache and warde at the said weyre, to the perillous example of lyke offendors etc. In consideration whereof etc. etc. [*No year given.*]

(signed)

SAWNDERS.
BARTON.

SWETTENHAM *v.* COTTON*Re* MURDER OF LAWRENCE SWETTENHAM

(S.C.P., Henry VIII, Bundle 26, No. 370)

Lamentably shewyth unto your good and gracious heghnes your powre oratrice Alice Swetnam, late wyffe to Laurence Swetnam, that where her said husband the Munday next after the Feest of St. Oswald the King last past was at Brereton within your countie palantyne of Chester, in Godes peas and yours, one John Cotton of Cotton, gentilman, and Harry Cotton, his brother, of their myschevous and malycyous mynde and purpose prepense exorted and labored the said Laurence to play with theym at the bollis in Brereton; at whose desyre the said Laurence, thynkyng noo harme ner yll to eny person, came with theym to a bollyng aley in a place called Brereton Grene, and at the vj cast, when the said Laurence schulde have cast his bolle, the said John and Harry, George Cotton, ther brother, George Beryngton, yoman, John Deyn, William Deyn, George [*sic*] Breddon and other of ther assyuyte and adherentes to the nowmber of xx^{ti} then and ther present, the said John Cotton made a querell upon the said Laurence, sayng to hym that he stode amysse. He replied he wold not vary ner dyffur with hym, but he wolde leve worke, and incontenently the said John Breddon accordyng to the appoyntment made betwene the said mysdowers and hym, standyng at the bake of the said Laurence, without eny worde felonysly with a bill stroke the said Laurence uppon the hede, so that hys breyns cam fourth by fore and by heynde of his hede, and ther dyed within lasse space then a quarter of a owre without spekyng of eny worde, wher uppon divers of your well disposed subyetes ther present, seyng that myschevous dede done, endevered theym selfe to have takyn the said mertherers, but their adherentes made an a saute and stroke vij of your said subyetes and by their myght conveyd away the said mertherers where it lyked theym, to the most grete feere and perlous example of your said subyetes that lately ther haith byn seyn, and to the utter undoyng of your oratrice and her chyl dren without your gracyous petye and helpe be shewed in that behallfe. In consideration whereof, and that the said mertherers and their adherentes byn at howme at ther howsez in your said countie, and dayly thrett and manesse your said oratryce and her frendes, so that she can not have theym to be attached by the processe of your lawis, to direct [*sic*] your hegh and most drede comandement unto your schreff of your said countie and Sir William Brereton, knight, in whose rule many

of the said mysdoers dwelle, to attach the said persons by ther bodes, and such as shalbe so attached to convey theym to your castell of Chester ther to suffur answer and abyde as shalbe consonant to your lawis.

(*Ibid.*, Bundle 17, No. 185.) Certificate by Symon Digby and Rauf Swillyngton, commissioners under the King's letters of privy seal, of their examination of John Briddon and his wif, "being within the seintwarie at Knoll within your countie of Warwick," upon a murder commytted by the seid John at Brereton, taken at Knoll 29 April 8 Henry VIII [1516].

As touching the matter contained in a bill delivered to the commissioners by William Swetnant, the said Briddon deposeth that about Saint Oswaldes day in August last past he was at Brereton at the wayk, and their weir assembled a great nombre of people, and divers of them plaid at bowllys, among whome plaid to gethers John Coton and Laurens Swetnant, which ij fell at wordes, wheruppon much people drewe to them, amonges whom cam Briddon, and stroke the said Laurens (as above alleged), but ther was never malyce, wordes nor occacyon of varyauns betwene them. The morowe after the said strook, Briddon came to Whitchurch in Salop to oon John Humffrey, and taried ther vj or vij dayes. Briddon is servant to Sir William Brereton, and he sent his master a letter, certifieing him how he had commytt this murder. He cam to this seintwarie of Knoll, and haith been at London and at Gravesend in Kent, to seke a brother of his called Rychard Briddon, with whome he couth not meit. After the murder, what day he will not shewe, he went to Neweporte in Shorpsshire and their met with Thomas Bulkley of Eyton in Cheshire, and told hym of the murder, which Bulkeley seid he was sorie for the mater. The seid Thomas was at Brereton tyme of the seid murder. And more this deponent wilnot confes for no meane or pollicie that we can use, for he is so bold in this seintwarie that he regardeth litle this examynacion, but we perceyve the murder was commytt by hym with extreme prepensed malice in moost heynous maner, and suppose that he wold make a more true and playn confession if he weir examyned owt of this seintwarie and good pollicie used with hym. His wif will no thyng testefie therein.

(*Ibid.*, Vol. 3, fo. 311.) The saying of George Baryngton examyned bifor Sir Thomas Lovelles and Sir Henry Marney, knightes, and other the Kinges lernyd Counsell, touching the dethe of Sweteman of Chesshire, 10 Feb. 8 Henry VIII [1516-17] He saith he was never privie to the said dethe, and dare abyde the triell of his contre. It is true Swetman was mured. The deponent wase in oon Rauf Slader house at Breerton all the after noon of the same daye dawncyng, and when he herde of the

murder and that persuyte was made to take the murderers, he with suche companye as dawnsed with hym, went forthe to the grene to helpe take them. They fiede, and he persued asfer as ther house; then he returned home ayen to his father house.

John Thorley, examined at the same time, was in the fore noone of the same daye at Congleton at masse, and the same afternoone came ayen thens towards Brereton. And or he cam ther by iij quarters of a mile, he herd tell that Sweteman wase slayne, and by that tyme he cam to the towne he wase towards his beryng, with dyverse persones about hym to have hym to erth. And after this his declaration he brought with hym from Congleton the mayeres deputie of the towne called Hugh Grene, to declare with hym whose companye he wase in.

(*Ibid.*, Bundle 17, No. 227, and 24, No. 434.) Examination of Sire William Brereton by my Lorde Cardinall upon his othe the vjth daye of February 9 [Henry VIII] [1517-18], and xvj. June 10 [Henry VIII] [1518], as to whether he saide to yong Swetname, after that he hadd attached Fairechilde his tenante for the murder of his brother Swetname, "thou art indicted of murder at Rochestre, and outlawed by this"—To this he saith nay, but he came to Congleton, and founde yong Swetname arrested of felonye by the surmise of oone Fayrchilde. He acknowledges that he himself caused young Swetnam to be indicted of murder at Rochester since Christmas, and was the rather content to do it because of displeasure between Swetnam and him; had there been no such displeasure, for the attaching of Fairchild, he would not have procured him to be indicted. He procured the bill of indictment of Swetnam's son, because the latter pursued against the said Sir William and his friends.

Sir Robert Shefeld, in a similar examination,* acknowledges that he favoured the murderers of Girdlington in sending money to them after the murder. As to such words as he spake of the king, he confesseth them, and beseecheth the King's Grace's pardon, and the Most Reverent etc., and all the lords to be means for him. Where he alleged that my Lord Cardinal advanced this cause against him for malice, he confesseth he spake those words, and beseecheth my Lord Cardinal of forgiveness [etc.].

Sir William Brereton further confessed that he had retained William Benyngton and Roger Dale, being yeomen of the king's guard, and that he had given them livery since they were of the guard.

Piers Dutton, examined on the 26th of June, says that one of the murderers indicted was with him in the Fleet; that he paid for part of their costs, notwithstanding that he was commanded by the lords to bring them in. He confesseth that he

* This may relate to another case.

always denied before the lords that he knew where they were. He saith that some of the murderers are now in Essex and some in Oxonshire, but in what town or parish he cannot tell.¹

The last paper in this packet is the complaint of William Swetenham of county Chester, showing that at two severall sheres at Chestre he hath put yn before the Justice there dyvers billes of indictamentes for the murtheryng of Laurence Swetenham, his son, ayenste one John Fitton of Goseworth, esquier, Thomas Bulkeley of Eyton, esquier, John Cotton of Cotton, gent., Edward Bulkeley and George Bulkeley, gentlemen, and Richard Strenger, servants to the said Thomas Bulkeley, William Fairechilde, Richard Rudyerd, Henry Gerard, John Wodcoke, and John Barker, servants to Sir William Brereton, knight. But so it is, gracious lordes, that the said Sir William, John Fitton and Thomas Bulkeley, be so of kynred and alyed, and so many belong unto theym within the said county, and by the speciall labor of John Brereton, brother to the said Sir William, John Creswall, servant to the said John Fitton and — Rydley, servant to the said Thomas Bulkeley, they have made and do daily make instant labor to gentilmen of the said countie at the said sheres, and especially to the gentilmen sworne for the kyng, who were kynnesmen and aley unto the said Sir William, Fitton and Bulkeley, so that for the grete favor they bere unto theym they in no wise woll fynde the said billes ayenste them—wherefore may it please your lordshippes thes premisses tenderly to consider [etc.].²

¹ *Note.* This last examination would appear to be in another suit; there is a note in the corner of the paper as follows:

“ John Stringer p^r.

Robert Massy of Nantwiche.

Richard Kirfot of Hatton [or Halton]

Nicholas Lightfote of Barowe

Randolf Fletcher of T . . vile [?]

John and Thomas Molyneux of Tatnall,
for the murder of Thomas Huchyn.

On the back of this same paper is a list, apparently of the plaintiff's claims:

First. Costs, expenses, loss and hindrance for 3 years kept out of my country by riots—£40.

Second. Arrerages of rents and profits for 4 years past, received by force and riots contrary to the king's laws, each year 10 marks. Total: 20 marks [*sic*].

Third. To build up the place again, as well as to pay the value—£20.

Fourth. A writ of restitution to the under-sheriff and others, with assistance to restore possession, like as the king's law hath awarded.

Fifth. That Edward Bridd keep the peace for himself and all the rioters to your orator John Strynger, his children, tenants and servants.

² See *post*, pp. 120 and 136.

BELLOT *v.* MORETON*Re* WASTE AT MORETON, CO. CHESTER

(S.C.P., Henry VIII, Vol. iv., fo. 49-50)

To the kyng our souereign lord. In most humble wysse shewyth and compleyneth unto your heighnes your poure and dayly oratour John Bellett of Moreton in your countie of Chester that wher theseid John beyng seasyd of the manour of Moreton afforeseid in his demeane as of fee and he the same John and his auncetors and all other whois estate the same John now hath of and in the seid manour of Moreton haue hade and byn seasyd of and in one wast grounde as parcell of the seid manour of Moreton lyinge on the north parte on the hill callid the Molle bytween a seuerall pasture of the seid Bellottes callyd Rawparkes on the one parte and certeyn meres & markes callid Merefote Stonebanke and a roke of stones that of old tyme haue byn rerid notyd takyn and reputyd for the boundes and partycion of theseid manour of Moreton and the manor of Rode within the which waste the tenautes of Moreton haue had common appendaunt unto the tenautes not onely for the feadinge of their cattell but also common of turbarye as in cuttinge turvys in tyme of the yere for to occupye for their fewell. So yt is and yt shall please your grace that one Alice Moreton widdowe of her froward mynd with other ylle disposid personez of her seruautes and tenautes oft and many tyme when the poure tenautes have diggyd and sett upp to drye within the seid wast turves to serue for ther fewell, cuttyth spoyleth and distroyeth them that they cannot serue ne be caryed to the housses of the seid poure tenautes for their fewell to the great hurte of your poure oratour and to the utter undoyng of his poure tenautes. May it ther fore please your grace for as much as ther is a comysion awarded unto dyuerse indeferent comysioners to examyn the tytle of the water course now in varyance bytween your poure oratour and the seid Alice to thentent that this mater in varyance concernyng the seid wast grounde may in lykewysse be orderid by your grace, to geve auctoryte to the seid comysioners to vew the seid wast grounde and the meres and boundes thereof and ferther to examyn aswell by euydences of both partiez as by witnesses to whom the seid wast grounde doyth & of right ought apperteyne and whether it belong to the manour of Moreton or the manor of Rode and make certifycat therof to your grace and then such fynall ende to be takyn therin as may st[and] with justice and equitye.

Appended is the awnswer of Alice Moreton, wido, late wife of William Moreton squier decessed, to ye bill of John Bellot, in

which she sayth that William Moreton, sonne and heire of the said William & the said Alice then his wife, and Thomas Roode, were seased of certyan landes called the Molle & the welle and course of the water in the same in ther demayn as off fee as ther awn propur enheritaunce & rented grounde, & their auncestriez of tyme that no mynde is the contrarye, unto now of late tyme that the said John Bellot wech makyth feyned pretence to the same callyng the said land of Molle the wast grounde lying amonge such surmysed meyres [&] boundes as he names appoyntes & lymittes to be comyn appendaunt to his supposed manor of Moreton as by his untrue bill is allegged, agaynst whom ther hath byn a quest past agaynst the said Bellottes at the shire at Chestr &c all which maters the said Alice is redy to prove as this high courte shall award. [No dates.]

BELLINGHAM *v.* CURWEN AND CURWEN *v.*
BELLINGHAM

Re MANOR OF POULTON, CO. LANC., AND IMPRISONMENT
OF PLAINTIFF

(S.C.P., Henry VIII, Vol. iv., fo. 196-200)

To the ryght honorabyll Syr Henry Marney Knygh, chaunceler to ower souereyng lord the kyng of hys Duchie of Lancast^{*}

In ryght humble wyse shewyth unto your good mastershypp Robert Belengeham, knyght, that where the maner of Poulton in the cowntie of Lancaster hath of long tyme belongyd to iij seuerall inherytors, that is to sey, to John Lamplew, John Barbrun and Thomas Wasshyngton & ther auncestors seuerally, to euery of them on parte whych they occupied peasably in coparcynery & in comyn wythowt disturbans, and after your seyd orator opteynyd a lesse of the seyd Lamplew's part & porcion of the seyd maner, and one Gylys Curwen opteynyd the part of the seyd John Barbrun and then also opteynyd a lesse of the parte of the seyd Thomas Wasshyngton yn ferme for certen tyme expyryd, by wertue whereof the seyd Gyles Curwen & your supplyant occupied peasle to gether the same maner of Poulton euery man after hys rate & porcon & sowed the areable grownd thereof wyth ther cornes in common after ther porcons, and before the repyng of ther cornes the seyd Gyles by the prouocacion of one Richard Edmund [*sic*] & other yll disposyd persons intendyng by subtell & untrew meanys to put your seyd oratour owt of hys seyd parte, and also as well from hys corn & greynes beyng ther in a barne as from hys corn growyng on the grownd and from hys other goodys beyng within the seyd maner, whych ar specyfyed in a

* This Duchy Bill is bound up in *Star Chamber Proceedings*.

byll herunto annexyd, causyd your seyd oratour by periuryd inquest made by parcyalyte & favour in the fyrst yere of your most noble reying [1509-10] to be indytyd of forceable entre into the seyd maner & by colour of the same indytement the seyd Gyles Curwen came wyth the seyd Richard Emendson [*sic*] & other yll disposyd persons to the number of xx^{ti} persons & aboue to the seyd maner and with myght & power put your seyd orator out of possessyon of hys seyd part. And ouer that the said Gylys & other ill dysposyd persons yet farther intendyng to troubyll your seyd orator then and ther forgyd & made on untrew & feyned warrant for the pease ageynst your seyd oratour and on Cristofer Nicolson & Robert Braywhyte his seruantes in the name of on John Laurens, esquier, then on of the justic of peas of the seyd cownti, whych warrantes the seyd John Laurens in the opyn cessions at Lancaster before the kynges justic ther denyed for hys dede, and the seyd forgement ys well knowen in the same cownti, & by colour of the seyd warrant the seyd Gylys Rychard Edmondys [*sic*] and other yll dysposyd persons wyth myght & power toke your seyd orator & the seyd Crystofer Nicolson & Robert Braytwhayte hys seruantes, & lad them all to pryson to the castell of Lancaster, & ther kept them by the space of xiiij days, duryng whych tyme the seyd Gylys and other ill disposyd persons so cruelly pulled & logged the wyfe of your seyd orator by the fyngers of hyr handys that the blod bryst owt of hyr fyngurs endys; and after that the seyd Gylys wyth grette nomebr of yll dysposyd persons ryotously & wyth force toke & caryed away in waynys & other wyse all the seyd goods of your seyd orator specyfyed yn the seyd byll ther unto annexyd to the valew of xlii, and also a cascet wyth ryngys, beyddys & other jowellys, to the value of xx marcs & aboue, and at the same tyme so greuously bett and wounded one John Oxley, seruant of your seyd orator, that they left hym in perell of dethe; and therupon your seyd orator, perceyuyng that he coud not be sufferyd to dwell ther unless he shuld be in jopardye of hys lyff, caused the said Crystofer Nicolson to occupie his seyd parte of the seyd maner whych he had in ferme of the said Lamplew, wherupon the forseyd Gylys & other ill disposyd persons hys adherentys ryotously toke & drove away all the catell of the seyd Crystofer Nicolson that he had to the nomeber of xx^{ti} bestys and also pulled down the howse that he dwellyd in, & toke and caryed away all the goodys & stuff of the seyd Crystofer wythin the seyd howse specyfyed in the seyd byll hereunto annexyd, to the value of xl marcs and aboue, whych bestys goodys and catells the seyd Gylys wrongfully yet hath & occupyeth, and them converted to hys own use; and where as your seyd orator sythen that hath opteynyd & purchessyd by exchange of the seyd Thomas

Washyngton hys parte of the seyd maner for other londys & tenementes of your seyd orator in the cownti of Westmorland of lyke yerely valew & better, ouer all chargys, the seyd Gylys by myght occupyeth the seyd parte of the same maner so exchaunged that belongyd unto the seyd Thomas Wasshyngton and now belongyth to your seyd orator, so that your seyd orator ner no man for him can ne mey occupye the same but to the jepardye of ther lyfes; and for & upon thes heynous wronges done by the seyd Gylys hys adherentes your seyd orator hath dyuerse times compleynynd to your justices at Lancaster and also to the offycers of the seyd shiryfes of the seyd cownti to have had therof remedy, whych he can not get for the supportacion that the seyd Gylys hath in that cownti, wherfor your seyd orator in most humble wyse besecheth your good mastershyp to dyrect the kynges letters under hys prevy seale of hys seyd Duchie to the seyd Gylys to appear before your Mastershyp in the Duchie Chamber to make answer to thys byll and to recompens your seyd orator for such wronges & imprisonment as your seyd orator hath susteynynd by hym and other hys adherentes by hys meanys, and to redelyuer to your supplyant & hys tenauntes such good[s] catell & other stuff whych he hath takyn from them, and also to suffer your seyd orator to occupie the seyd iij partes of the seyd maner to hym belongyng wythout dysturbans of the seyd Gylys & hys adherentes, and ferthermore to abyde such order and punyshment for his wrongful demeanour as shalbe thowght to accord with ryght & good consyens.

(Bundle 20, No. 56.) The Answer of Gyles Curwen. He saith that oon John Barbron John Lamplewe and Thomas . . . shington were seased in their demean as of fee of and in the maner of Pulton and so seased they and their auncestors in common and in coparcenery, without particion making, haue holden the said maner by the space of 100 years and aboue, and long tyme past a composition was had betwene the auncestors of the said coparceners that the ancestors of the said John Barbron and their heirs should haue the occupation and possession of the said manor paying therefore yerely to either of the auncestors of the said Lamplew and Wasshyngton and to their heirs vij^{li} sterling, and according to the said composition the auncestors of the said John Barbron and their heirs by the space of . . . have had the possession of the said maner and haue paid yerely to the auncestors of the said Lamplew and Wasshyngton and to their heirs for the premisses vij^{li} sterling. And then after the said John Barbron had issue Agnes, nowe wyf of the said Giles, and dyed seased of his parte of the premisses, the said Agnes being a child of the age of viij yeres inherited the said part as daughter and heir of the said John

Barbron, and ther after one Sir Roger Belyngeham knight father to the said Sir Robert, opteyned the custody of the said Agnes and maryed her to one Richard Belyngeham, his younger soon, the said Agnes then being about the age of ix yeres and very syklye in her youth; the said Sir Robert, craftely intending to have had the said manor into his blode in disherison of the blode of the said Agnes thereof, by assent of certen persons of his affinity, hath caused an untrue fyne to be imposed before the justices at Lancaster whereby the said Richard Belyngheam and Agnes his wyf, by the name of Anne, shuld knowlege all the right that they had in the said part of the said maner to be the right of oon George Knype, chapleyn, and Henry Kyrkeby as that the said George and Henry hade of their gyft, and the said George and Henry in the same court should graunt and rendre the said part to the said Richard Belyngeham and Anne and their heirs lawfully begotten, and for default of such issue the remaindre thereof to the said Sir Robert and his heirs for ever from the said Agnes and her heirs, the said Agnes at the time of the said feyned fyne supposed to be levyed beyng scantly of the age of xij yeres, and to the which fyne the said Agnes never knew what was conteyned therein. And after the said Richard Bellingeham died without issue lyving by the said Agnes, who after the death of the said Richard took the said Gyles to husbonde and haue together divers children. And to secure the inheritance of his said wife & because the said Sir Robert had obtained possession of the writing of the said composition, the said Giles made great instance and labor to the said Thomas Wasshington to have his part of the manor, by his dede ready to be shewed, Washington granted his said part of the said manor to the said Gyles and his wife for the term of their lives, by reason whereof they have been seased of the part of the said Wasshington in their demean as of freehold, and of the part of the said Agnes in their demean as of fee in the right of the said Agnes, and possessed of the part of the said Lamplewe of the same by force of the said composition, which hath continued by the space of 100 years and above. Sir Robert, as part of his crafty designes, intended to have exchanged lands in Westmoreland with Washington so as to obtain his part of the manor; so, with a feigned deed of exchange, after Washington's lease thereof made to Giles and Agnes, accompanied with his father's servants to the number of eleven persons, Sir Robert made forcible entry into the manor, and dwelled in a barn, which is the freehold of the said Giles and Agnes, for the space of one year or thereabouts, and meanwhile with strong hand sowed and reaped the ground of the said manor, and by reason of affrays made the said Giles was in danger of his life and lost all the profits of the manor, so that Giles exhibited a bill of forcible entry before the king's Justices at Lancaster

at the sessions there holden, and a true bill was found against the said Robert, who was to be removed by the sheriff and to find sureties to keep the peace. Richard Edmundson, then the sheriff's deputy, executed the writ and warrant, and put Giles once more in possession. And forasmuch as the wife of the said Robert would not depart, the deputy laid his hands upon her and required her to depart, and she at his request departed. Sir Robert did not find the required sureties, and was taken to Lancaster castle, and there remained for lack of sureties. During his occupation of the barn Sir Robert wrongfully drove cattle belonging to the said Giles out of the county palatine into Westmoreland. Giles sued out a *replegiare* directed to the bailiff of Lonsdale, one Arthur Standishe [who] certified that the cattle were "elonged," so that he could make no replevy of them. Giles then obtained a writ of *capias in withernam*, and obtained 12 beasts of the said Sir Robert that were in the custody of Christopher Nicolson, which Giles accepted *in withernam* of 42 of his oxen and kine. Nicholson afterwards came to dwell in the said Giles's manor, against his mind, and Giles found a jack, a jacket and two bows of Nicholson's there on his soil and freehold, which he took, but delivered them up again at the request of one John Standishe, without that that [etc. etc.].

(Vol. iv., fo. 201):—The reioynder of Sir Robert Belyng-
ham to the replycacon of Gyls Curwen reaffirming his answer
wythout that the said Robert hath confessyd that the seyd Gyls
& hys wyff wer ever seased of the part of . . . the seyd maner
yn there demeane as of fee or that the seyd Gyls was or is
possessed of the part of . . . Wassyngton of the seyd maner yn
hys demeane as of frehold, or was possessed of the parte of the seid
Lamplew . . . maner by reason of ony such custome as the seyd
Gyls allegged, or that there ys eny such custo . . . by the seyd
Gyls off ony les [lease] made of any maner or of ony one enteire
parte of eny maner, and for as moche by the seyd answer & shalbe
suffyciently shewed & proued that the seyd Robert hath good
ryght to . . . the parte of the seyd Lamplew of & in the seyd
maner by reason of the seyd lees made by the seyd . . . also to haue
& inioy to hym & to hys heyres the parte of the seyd Wassington
of & yn the same maner . . . the seyd exchaunge And also to
haue the reuersyon of the parte of the seyd Barbron of & yn the
seyd ma . . . deces of the wyf of the seyd Curwen. The same
Sir Robert for as moch as the seyd Curwen . . . & wyth force
interrupted the seyd Sir Robert & hys fermers of & in the seyd
ij partes belongyng to . . . & hath put them & dayly doth put
them to gret trowble vaxacon & unportable costes . . . desyreth
that the seyd Gyls may haue condyng punyssshement for hys
offences &c.

(fo. 62). The reioindre of Giles Curwen to the replicacion of Sir Robert Belyngeham knight

He seith that wher by the seid Sir Robert in his seid replicacion hit is surmytted that . . . Giles hath committed periury in this honorable Court for as muche as in the answer of the seid . . . he hath allegged that the fine leveid by the wif of the seid Giles of the maner of Pulton in the seid . . . answer specified was untruely ingrosed by the mean of the seid Sir Robert & of his fryndes & . . . & the which as the said Sir Robert seith uppon a byll put into this honorable court agenst Humfrey Conyngesby on of the kyn . . . by the . . . Giles & Agnes his wif is now proved that the seid fyne was truly and accordyng to the or . . . of the law taken & ingrosed, to that the seid Giles by protestacion seith that he knowith [not] that ony suche prove thereof is had in this honorable courte and seith that he hath no copies of the wi . . . or deposicions brought in in that behalf, and fether seith that the byll that was putt in to this honorable . . . in the names of the seid Giles & Agnes was made & put into the seid honorable court by the . . . Agnes only without the knowlege of the seid Giles, as by examynacion in the seid honorable . . . hit hath ben well proved, & fether seith that at the tyme that the seid Gyles made his seid a . . . agenst the seid Sir Robert ther was no such prove in that behalf had ne published as by the . . . replicacion is surmytted, & that the seid Agnes always enformed the seid Giles that she neuer assented to the . . . fyne which enformacon the seid Giles belevyd & supposed to be true, and theruppon made his seid ans . . . accordyngly, and so whether the seid Agnes did assent to the ingrosing or levieng of the . . . fyne or nott the seid Giles seith that he hath commytted no maner of periury fo . . . muche as he belevid that the seying & informacion to hym gyvyn by the seid Agnes had ben . . . & the which concerned the act & dede of the seid Agnes & not the act of the seid Giles an . . . seid Giles fether seith that the seid Sir Robert by no maner of conciens ought to haue the remayn . . . of the seid maner to him & to his heires by force of the seid fyne from the he . . . of the seid Agnes, for as muche as the seid Agnes at the tyme of the takyng of the seid . . . was but only of the aige of xij yeres, then hauyng litle knowlegge howe to ordre her in . . . and also that by the seid fyne she is mysnamed & called Anne wherin in dede her name is Ag[nes] so baptized, and also that the seid Sir Robert neuer payd the value of on peny to the . . . Agnes for the same nor that ther is no maner of consideracion neither in lawe nor in dede, wh[ereby] . . . seid Sir Robert ought to haue the remayndre of the seid maner to hym & to his heires fro . . . right heires of the seid Agnes, but only by coloure of the seid

fyne which was taken & ingro . . . in the tendre aige of the seid Agnes as is aboue seid & drawen & made by the counsell of . . . Richard Belyngeham & Sir Robert, the seid Agnes neuer thynkyng that euer she shuld therby lose . . . fee symple of her seid inheritance, without that that the seid Agnes at the tyme of the mar[riage] had betwene her & the seid Richard Belyngeham passed the aige of ix yeres or that the seid Agn[es] did accompayny or lie with the seid Richard within fyve years next after that she was married to [him] and without that that at the tyme of the seid mariage she was of such aige that she immediatly accompanied with the seid Richard in maner & forme as by the seid replicacion is untruely . . ., and ferther seith that at the tyme that the seid Agnes bare her child by the seid Richard that she . . . fully xv yeres of aige and that the seid Richard died on the tuysday next after that she was dely[vered of] the seid child, and that the seid Agnes & Giles have bene married to githers by the space of ix yere . . . full, and that the seid Agnes is not yet ouer the aige of xxiiij yeres so that hit dothe openly [? appear] that she was ferr within aige at the tyme of the takyng of the seid fyne, without tha . . . that the seid barne is parcell of Lamplew [h]is part of the said maner &c. &c.

(Bundle 20, No. 174, is a paper draft of Bellingham's replication, torn down lengthwise.)

(Bundle 24, Nos. 261, 280, and 366, are further papers in these two cross suits, all the material facts in which have been summarised in the above notes.) [*No dates, but c. 1520, as the fine was in 1508.*]

BENGER v. STANLEY

Re MANORS OF RISHTON AND DARWEN, CO. LANC.

(S.C.P., Henry VIII, Vol. iv., fo. 206)

To the kyng oure souereygn lord. In most humble wise shewith unto your highnes your dayly orator Robert Benger that where one James Stanley esquier was seased as in the right of one Anne his wiff of and in the maners of Rissheton and Derwen with the appurtenaunces in the countie Lancaster in his demeane as of freehold and so being seased by his indenture beryng date xiiijth day of November in the xiiijth yere of your most noble raigne [1522], by the name of James Stanley esquier and Anne his wiff, late wiff of Edmond Talbot esquier, deceased, amongst other londes & tenementes therof, made a lease for terme of certeyn yeres yet to come unto your said orator, that is to say from the day of the date of the said indenture unto the end and

terme of fortie yerres then next after, paying therefore yerely unto the said James & Anne xx^{li} sterlyng as by the same indenture amongst other couenauntes theryn more playnly appereth, by vertue of which lease your said orator entred & thereof was peaceable possessed as of his own proper terme & hath contynewde the possession of the same by the space of six yerres & more, and truly hathe paid unto the said James of and for the premisses all such sums of money which were unto hym due to be paid at the festes & days appoynted & lymytted in the said indenture, as by dyvers quyttaunces signed with the bonde of the said James & sealed with his seale redy to be shewde more playnly in them dothe appeare; and your said orator of the premyssees so being possessed the said James Stanley, heryng of the dethe of Sir William Compton, knyght, late master unto your said orator, commaunded all the tenauntes of Rissheton & Derwen that, notwithstanding the said indenture or lease, which he said was for drede of the said Sir William Compton, that they in no wyse shuld pay any of their rentes or fermes unto your said orator or his deputie uppon payn of puttyng oute of there howses & castyng oute of there goodes wiffes & children and ferther commaunded them that if in case your said orator or his deputie wold distrayn them for any rent or ferm there that they and euery of them shuld not fere for any prevey seale, suppenna or other writte, if there came fortie, but to make rescues uppon your said orator & his deputie & maheyme them if the[y] kowde, and he should so defend them in that behalff that they in no wise shulde appere uppon the same processe, but to kepe them at home in their countreys. And also yf they the same tennantes did not make exclamacion unto your highnes & your most honorable counsell of distruccones & wastes of woddess & of & for dyuers & many other greate iniuries & wronges unto them supposed to be done by your said orator & his deputie, that they and every of them shuld in no wise remayn & abide in there fermeholds, but utterly to be expulsed and put oute for euer. And so it is most gracious lord that your said orator sent one Nicholas Levesey, his deputie, unto Rissheton & Derwen aforesaid to thentente to receive the rentes & fermes there, as he was customable used so to doo by vertue of the said lease. And the said James Stanley with one Robert Talbot, clerke, Antony Talbot, gent., Thomas Talbot, Thomas Jelybrond, Richard Makyn, William Alen, Edmond Core, William Tarelton, Thomas Skylllykorne, Hugh Lathome & other, to the number of xx persons, unlawfully and ryottously assembled at Rissheton & Sidebyght, parcell of the manor of Ryssheton afforesaid, that is to say with bowes, arrowes, swerdes, burklers, daggers and staffes, the xviiijth day of September in the xxth yere of your most noble raigne [1528] and entred in the said

maner and other the premyssis & thereof unlawfully put out the said Nicholas Levesey & your said orator with great manassynge, so that the said Nicholas dayly is there in jeopardie of his lyff amongst them for demaunding of the right full dutie & rentte yet owing amongst the tenauntes there unto your said orator, and dayly the said James Stanley wrongefully taketh thissues & profittes there & kepith courttes at the said maner to the great hurt of your said orator and spoylyng of his goodes in manner lyke unto robrie, contrarie to all right. It may therefore please your highnes, the premissis considered, to graunt your severall writtes of subpena to be directed to the said James Stanley and the other defendants, them commaunding by the same personally to appere before your highnes & your most honorable counsell at Westminster there to make aunswer & to be ordered in the premisses according to your lawes equitye & good conscience.

[Signed] ROBERT BENDER.

(Fos. 214, 215, and 216 in this volume are copies of the above bill. See also *post*, p. 139.)

BLUNDELL *v.* MOLYNEUX

Re NICH. BLUNDELL OF LITTLE CROSBY, CO. LANC.

(S.C.P., Henry VIII, Vol. v., fo. 49)

To oure souereygn lord the kynges highnes. In most humble wyse showyth & complaynth unto your highnes your dayly orator and supplyaunt George Blundell sone of Nicholas Blundell late of Lyttell Crosby in your countie of Lancaster esquier that where youre said orator afore this tyme sued & complaynyd by byll unto your highnes & your honorable cownselers in your stare chamber at Westmyster in your countie of Midd. agaynst one Edward Molyneux parson of Sefton, supposing that the seid Nicholas Blundell & other persons were seased in there demeane as of fee unto thuse of the said Nicholas of & in the maner of Crosby in your said county of Lancaster & certayne mesuagis londes & tenementes and other heredytamentes in Littell Crosby Muche Crosby Dytton Ince Blundell Hyndeley Leuerpole Orrell Wydnes & Werington in your seid countie of Lancaster, and these being so seased the said Nicholas Blundell gaue and granted the premisses unto your suppliaunt to haue & to hold all & singular the premisses with thappurtenaunces unto the seid George duryng the lyff of the said Nicholas Blundell in & for the consideration that the said George shuld pay all the dettis of the said Nicholas which thene amountyd to the sume of cc marks & more and also shuld fynde to the said Nicholas competent mete

drynk and clothyng duryng his lyff and shuld paye yerly unto the said Nicholas duryng his lyff xxvj^s viij^d, by force whereof your suppliaunt was therof seased in his demean as of frehold & payd the sume of xl poundes to dyvers persons to whome the said Nicholas was indetted & more wold haue payd but that the said Edward Molyneux forceably & riotuously dyd entre into the said premisses and thereof forceably disseised your seid orator as more at large in the seid bill of complaynt made by the said George & remaynyng of record before your highnes in this honorable court . . . which bill of complaynt the said Edward Molyneux by vertue of your gracious wrytte of sub pena was then comaundyd & compellyd to appere and dyd personally appere . . . Molyneux' replicacion reioinder & witnesses herd and publysshed accordyng to the due cours of your lawes and the dedys & wrytynges . . . understonde, it was decreed & ordayned in the terme of saynt Michell tharchangell the xiiijth day of Nouember in the xixth yere of your most noble [rayne [1527]] . . . in this honorable courte of Stare Chamber that the said Edwarde Molyneux at his proper costes before the feast of Esture then next ensuyng shuld haue hadd . . . of your highnes your sufficient letters patentes of pardon release & quyet clayme in due forme to be made to the said George of all utlagaries in any wyse proclaymyd . . . personalle at the suet or sutes of the said Edward or at the sute or sutes of any other person or persons by his procurement yf any such were, and the same . . . obtayned shuld delyuer unto the said George the third day of the generall cessions then next to be holden at Lancaster after the date of the said . . . before the justice . . . the said Edward Molyneux before the fest of Thomas theappostell then next ensuyng (the date of the said decre) by his sufficient wrytyng in the . . . Blundell all maner of accions sutes quarelles trespasses & demaundes personalles which he then hadd or myght have agaynst the said George . . . of the decre, and ferthermore it was decreed that where the said Edward Molyneux & one Bryan Moycroft clerke by your wrytt of . . . at the sessions holden there the Monday next after the feast of the Assumption of Our Lady in the vjth yere of your most [noble rayne [1514]] . . . the said Nicholas . . . & other the said premisses that the said Edward Molyneux wyth & of as myche of the revenues issues & profytes syns the said recovere comen and gro[wn] . . . other the premisses . . . any other person by his comaundment or his assent by the meane of the said Edward in any wyse percevyd taken or had . . . the said Edward shuld . . . [be]contentid & payd asmych of all such true dettes which the said Nicholas Blundell in any wyse owyd to any person or persons the tyme of . . . without fraud or covyn as should be ordered to be paid by the prior of the priore of Burscogh in your . . .

Lancaster or by the survivours of them & the successore of the other prior deceased . . . for payment whereof the said Edward Molyneux doth stand bounden by recognizance in this honorable court to your highness in the sum of 1000 marks. The said Edward Molyneux hath not performed the decre . . . that hath contemptuously broken & disobeyed in that that the said George Blundell afore the said decree made was utlawed at the sute of one . . . lberd Edward in a accion of dett of x^{li} by the . . . of the said Edward Molyneux ; also the said George Blundell afore the said decre made was utlawed . . . Thomas Newton of Chestur weyver in a accion . . . of x^{li} pursued by the said Thomas Newton by the procurement of the said Edward Molyneux ; also the said George afore the said decree made was utlawed at the sute of one Robert Mayyson in a accion of dett of x^{li} by the procurement of the said Edward Molyneux, for the dischargeng of whych utlawrie or of ony of them the said Edward Molyneux at his proper costes before the said feast of Estur next ensuyng the date of the said decre did not obtayne . . . of your highnes any sufficient letters patentes release or quyt clayme in due forme made to the said George nor them or any of them did delyuer to the said George Blundell to the tenour . . . the said George Blundell to be imprysoned by the space of xx wykes for & upon the said utlawrees ; moreover the said Edward Molyneux before the feast of St. Thomas the Apostell next comyng after the date of the said . . . by his sufficient wryting in the lawe did not release to the said prior &c. &c. &c.

Appended is (1) the first portion of a draft reciting that the matters at variance between the parties have been submitted to Master Robert Hervey, Prior of Burschor, Sir Alexander Ratcliff and Thomas Butler by whose arbitrament the arrangements for the payment of Nicholas' debts have been made.

(2) the decree of Cardinal Wolsey made in the Star Chamber in Westminster 29 Novemher 16 Henry VIII [1524] to the following effect :—

1. That Sir Edward Molyneux, clerk, Brian Morecroft clerk, Sir William Molyneux & Sir William Leylond, knights, shall in Hillary Term next coming in the Star Chamber release all their rights in the lands of Nicholas Blundell, under a recovery made by the said Edward & Brian & others, to the use of James Blundell squyer, saving always the jointure of Margaret Butler, daughter of James Butler squire, now wife to James Blundell squire, and another jointure of Agnes Leylonde, daughter of Sir William Leylond knight, wife to Henry Blundell, son & heir apparent to the foresaid James.

2. That the said Sir Edward shall discharge all the debts of

the said Nicholas and render a true account of all the issues of the said landes.

3. That George Blundell, gentleman, should have an annuity of 10^{li} out of the manor of Little Crosby for his life, to be paid in Farneworth church at the altar of St. Nicholas in Prescote parish, co. Lancaster; and should not be troubled for the manor of Ditton where the said George and his servants do now dwell, which manor is the very jointure and feoffement of Agnes Blundell, widow, late wife of Henry Blundell squire, & which the said George hath in lease of the said Agnes for term of her life.

BRAWSTAFF *v.* HENSHAW AND OTHERS

Re A CLOSE IN NETHER KNUTSFORD, CO. CHESTER

(S.C.P., Henry VIII, Vol vi., fo. 19)

To the kyng ower soveraigne lorde. In most humble wyse compleyneth unto your heighnes your orator Hugh Brawstaff of Borely, co. Chester, that where he was seased in his demeene as of fee in a certeyn close called Shaw Hethe Crofte, conteyning about 4 acres of pasture, in the Nether Towne of Knotesforde, one John Henshaw, Philip Marbury and Thomas Deayn, accompanyd togedur with other riotouse persons to your oratour unknowyn to the nombre of thre or foure, the 20th. of August in the 22nd yere of your regne [1530] with fource and armys riotously entrid into the said close, and there cutte downe the grasse, and on the 2nd. of September cutt downe the okes growyng in the bouders of the hegges of the seid close, and converted them to their owne use. In consideration whereof [etc. etc.].

per me EDMUNDUM MOLYNEUX [*sic*].

BRERETON *v.* BRERETON

Re FORCIBLE DISPOSSESSION OF THE PLAINTIFF AND ASSAULT

(S.C.P., Henry VIII, Vol. vi., fo. 63)

To the kyng our soveraygn lorde. In most humble wyse compleynyng shewith unto your most excelent highnes your true subjecte Richard Brereton of Tatton, co. Chester, knyght, that wheras one Dame Jane Brereton, his wyffe, hath not only absented herself from the company of your orator, beyng blynde, contrary to the law of God and her bonden dutye, but also contrary to your highnes letter to her and Richard her sone drectyd, comandynge her by the same to repare her selfe to her said

husbande, and that nether she nor the said Richard should intromytt or medle with any lands etc. of your said orators; notwithstanding she hath and dayly doth accompany her selfe with dyverse lyght persons, that ys to sey, one Charles Bordman, Adam Hutton and other unknowen to your orator to the nombre of 8 persons or moo; and they beyng soo riotteously assembled to gether the 18 day of January in the 34th. yere of your regne [1542-3] with swerdes, stavys, dagerz and other wepons riottously have entered into the barnes and other howses of your said orators, and there toke away corne and the same brought to the howsse of one Thomas Valentyne, who did not only send his servantes and horses to carrye away the said corne, but receyved the same into his howsse, and maynteynes and comfortes the said Jane in such unlawfull doinges contrarye to all lawe, right and conscyence. The said Jane hath also entred into certeyn landes of your orators, and putt owt and driven away your orators servantes from their plowes and labour. And the said Richard adjoinyng him selfe with the evyll dysposicion of his mother and certen evyll dysposed persons wyth hym dayly accompanied, riotteously dyd not only beate your orators prest, but also grevously wounded and bete his keper contrary to your highnes peasse. Whereof the premisses considered [etc. etc.].

(*Ibid.*, fo. 62.) A bill to the same effect as above, with certain added details, viz., that Sir Richard as lately become blind by the sufferance of Almighty God, and the defendant Richard is his own son and heir apparent. The defendants have disturbed the tenants of the demesne lands of the manor of Worseley, and broken into his barn there, causing corn there to the value of £20 to be threshed and sold. "And yower orator cumyng from his dwellyng at Shoclache, co. Chester, to his seyd maner of Worsley and other his lordships in co. Lancaster to muster all his tenantes and fermors and to make sertyficath therof unto the Duke of Suffolk his grace, accordyng to your graces most dread letters unto your said subject lately directed, beyng credibly informed of the seid mysdemeaners of his wyffe and sone, went into the said bearne and sett certen parsonnes to thresshe the rest of his corne sett in the seid bearne; his sone, then beyng in the seid countie of Chester, heryng the same, assembeled the tenauntes and fermors of your seid subject aswell in the seid countie of Chester as also in the countie of Lancaster to the nombre of on hundred persons and above, and with swerdes, bokelors, staves, clubbes, bylles and other wepons defensyve the 7th. of Maye last past at Worseley rietously brake the said bearne and therefrom expulsed your orators servantes, and cawsed certen of the said rietous persons to the number of ten, with clubbes, bylles and staves, to kepe the possession of the said bearne and to thresshe the corne, and the rest to

envyron and cumpas abowt the seid berne, openly declaryng they would kille and slee any person entering or approching therunto, with other crewell wordes, so that your orator and his servauntes were in daunger of their lyves, and had ben lykely to have ben slayn yf Sir Alexaunder Ratcleve and Sir William Laylond, justices of your graces peas in the countie of Lancaster, heryng of the seid mysdemenour, had not cum to the said Richard the sone, who wolde no wyse be them be pasified onles your orator wolde leve the possession of his bearne and corne, which he was contented to do at the request of the said justices and for saffgard of his own lyff and his servauntes. All which premysses" [etc. etc.].

BRERETON v. JOHNSON

Re POSSESSION OF A HOUSE AND MILL AT WETTENHALL [?]
CO. CHESTER

(S.C.P., Henry VIII, Vol. vi., fo. 66, partly illegible)

Humbly shewith unto your right honorable lordshippes your orator Thomas Brereton, that where Randulphe Br[ereton], gent., deceased, father to your seid orator, whose heir he is, was seased in his demeane as of fee amonges other landes and tenementes of & in one mesuage and a w . . . mylne with thappurtenaunces lying in Wetenhall [?] in the county of Chester, and being so seased died thereof seised, after whose death the premises descended to your orator, who (on 19 June 29 Henry VIII) [1537] demysed the seid mesuage and mylne to one Thomas Johnson at an annuall rent of 28s. 8d. during the pleasure of your orator. Johnson occupied the premises for about four yeres. So it is that the kinges majestie of late upon certen gud and reasonable causes his highnes then moving addressed his gracious lettres unto Roger Brereton, esquier, willing hym to prepare and order him selfe and all suche power and company as he colde or myght make of hymself and his frendes for able and convenient men for his graces warres, and to be redy uppon one houres warnyng to go, awayte and attende upon the right honorable the Duke's grace of Norffoulke, the kinges lyeutenant then appoynted by the kinges grace into the parties of Scotlande for his graces warres there. . . . And where your orator, being very nere frend and kynnesman unto the seid Roger, and also having appoynted to the seid Roger the order, rule and governaunce of all your orators tenants for thentent and purpose aforesaid, and being also according to his most bounden duetie desyrous to doe the kinges majestie service in the seid warres in the company of the seid Roger, who had appointed your orator to be his petye capten of his seid men and company, the seid Roger Brereton, after divers musters by hym and your orator by his commaundement of all your orators

tenants, whereof the said Johnson was one, and of the tenants and servauntes of the said Roger, was commaunded to be at Newe castell with all his power and men on a certen day. And theruppon eftsones having the said Thomas Johnson and others to the number of oon hundred persons before him in muster for thentent abovesaid at a certen place in Chesshire called Coblers Crosse, and there intending to appoynt a day with them for takyng the journey towards the said dukes grace, the said Thomas Johnson utterly and wilfully, without any maner cause or matter, in moste cruell and extream sorte in the saide muster openly refused to go or to do the kyng service in his seid warres with the said Roger, albeit dyvers and all others your seid orators tenants then being present were content and did go upon their seid journey according to their bounden duties . . . and there never was any such deniall or refusall seen or herde of there, to the evil ensample of others, who then and there were lyke to have lykewise denied and refused, so that the said Roger was like to have byn disapoynted of parte of his company which he did before prepare. Therefore your orator before dyvers honest persons gave unto the said Thomas Johnson warning to leave and avoyde from the said messuage and mylne at the fest of Saint Marten in wynter last past, being the time and space of one whole yere, which is a sufficient and convenient tyme of warnying by the custome of the cuntry. But the said Thomas in no wise will departe from the premises, but wrongfully kepeth the same still with strong hand, kepyng the dores and windowes fast shutt, and doth take with divers ingynes and bottes the fische of your orator in a poole of . . . belonging to the said mylne, as well by nyght as by day, and the same fische sellith and convertith to his own proper use [etc.] . . . And your orator can have no reliefe except he bring an assize of novel disseisin against the said Johnson . . . distance from the cite of London. Wherefore [etc. etc.].

Appended is Johnson's answer, which states that he holds the premises by lease for 31 years from Sir William Stanley, kt., and Sir Christopher Trafford, gent. (who held the same to the use of one William Manley), dated 15 November 20 Henry VIII [1528]. Manley afterwards sold the premises to one Randall Brereton, father of the complainant, and the defendant has peaceably enjoyed the possession thereof till the complainant, of his cruelty and power, wolde putt owte the said defendant, to his utter undoing, although the defendant has bestowed 20 marks on the reparation of the said cottage, and £40 on the mill and the dams thereof. He is not guilty of any denial to serve the king's grace in the wars, the complainant never had any authority to compel him to go with him; neither doth he take the fish in manner and form as in the bill is alleged.

BROADBENT *v.* DUCKENFIELD*Re* HOUSE & LAND AT DUCKINFELD, CO. CHESTER

(S.C.P., Henry VIII, Vol. vi., fol. 98)

To the most reuerend father in god Lord Thomas Cardynall archebechoppe of york & Chauncellor of Englund. In most humble wyse shewith unto your grace your dayle orator & true legman Henry Brodbent of your countie of Chester. That wher on John Dokynfeld of the said countie, esquier, was seised of a messe & xij acres of lande in ye towne of Dokynfeld within the countie afforseid in his demeane as of fee, & made a lesse of the saide messe & landes to on Edmunde Leeze to holde at wyll of the said John, yelding and paying hym xxvs. by yere, by force of weche lesse the said Edmunde entred & was possessid accordyng; and after for a maryage to be had betwyx on Elsabeth, doghter of the said Edmund, & your said orator, the said John Dokynfelde couenaunted & graunted to your said orator that if he wold marye the said Elsabeth that then he shulde haue the said messe & landes after the decesse of the said Edmunde, to holde of hym in lyke manner as the said Edmunde helde befor, & to pay to hym suche rentes & do such custome as the said Edmunde paide & dyd before; and upon this done your said orator maryed the said Elsabeth, & after the seid Edmunde dyed, after whois deth your seid orator entred & became tenant to the said John Dokynfeld & gave to him a heryett as the custum & usage is within the seid lordshyp, & so peasable contynued in possession untill now of late, that is to say the xxij day of November in the xij yere of our most souerend lordes reigne [1520], King Henry that now is, that on Thomas Hurst, Edward Hyne, Alexander Herytage, John Walker & Robert Mounforth, as seruauntes & tenantes of the said John Duckynfeld, and by his commaundment, with force arreid after the manner of war, that is to say with swordys, bucklers & staveys, enteryd in to the grounde of your seid oratour and then and ther founde his wyeff and seruaunt plowing & eryng ther seid landys yn goddys pease and our lordys the kyng, and then and there they commaunded them to cesse their occupacion & occupye no more the seid landes ne also the house, for and they dyd they shulde kutte the armez besyde ther bodyes with many other ferefull wordys them thrette yn suche maner as the seid wyeff & servaunt of your seid oratour for drede & fere of ther lives did cesse their occupacion, to the utter undoyng of your seid oratour his wyeff & his smale chyl dreyn for euer. Also most gracious lorde the seid John Dokynfeld not yet thus contented but of his more grette & extreme malyce that he dyd bare ageyn

your seid oratour, on Tewysday in the passyon weke last past sende to the house of your seid orator Thomas opton John Bybbe Laurens Mayden & Richard Wright, husholde servantes to the said John Dokynfeld, and also Rychard Mayden, John Jee, Gregory Andrewe, Willeam Byshop, Alexander Erytage, John Wylde, Raffe Erytage, Willeam Turnour, Robert Bybbe, John Burton, John Walker, Robert Mounforth, John Mounforth, John Fedeler the younger, George Fedeler, Raffe Fedeler, Nicholas Fedeler, Laurance Oldham, Raffe Bysshop, Geruys Bysshop & John Wulley, with other dyuerse persons unknowyn, as tenants and louers of the seid John Dokynfeld, and then & there they riotously entred into a garden of your seid oratour and "v'tissshed" & turned up ye seid grounde at their pleasour, & as they were doing it there came to them on Elizabeth Bordebent, soyster & seruaunt to your seid orator, and desired them to leue ther occupacion, and with it foure of the seid persons, that is to say John Bybbe, John Iee, Rychard Wright, and laurence Mayden, dyd forstryke the seid Elizabeth and drewe her barehed & chaste hur under ther fyttres, and after this dyd draw hur bakward ouer a stile and so toke hur to ye Halle of Dokynfeld & ther dyd thrette hur to sette hur in the stokkes & kepte hur so longe amonge theym untill she dyd falle to ye grounde in a swonde; moreouer the seid ryatous personez not yett contented butt came to ye howse of your seid oratour, and ther ryotously and with force brake the dores & enteryd yn, and toke the wyeff of your said oratour & hyr chylde sokyng on hir brest, & hyr sore stroke and hyr seruauntes, and after toke hyr & hyr seruauntes with theym & seid she shulde to Chester to prison, & as they were sevyen myle on the wey then they colde nothyng ley to hyr charge but turned hyr holm ageyn with hyr chylde yn hyr armes to hyr grett hurte and undoyng for euer; and also the seid ryotous personez haue many tymes besyde all this comed to ye howse of your seid oratour & by nyght tyme ther haue knoked with clobes & staves upon the dores & wyndowes of your seid oratour, and haue called hym forthe of hys howse to the yntente to haue sleyn hym & to dryue hym ought of the countrie, so that your poore oratour durst neuer abyde at hys owyn howse syns the feste of seynt Martyn in wynter last past untill this day, whyche is to ye grette impoueryng & utter undoyng of your seid oratour, his wyeff and his smale chyldreyn for euer, onlez your gracyous helpe to theym be showyd in this behalff. Wherefore the premysses tendyrly consydred and for that that your seid oratour is very poore, hauyng nothyng to sucour his wyeff & his smale chyl dren, but only the seid tenement, yt may therefore please your grace to graunte your letterys of subpena to be drectyd &c. &c.

Appended is (1) thanswere of John Dokenfeld, esquier, Thomas

Hurst, Edward Hyne, Alexander Eritage, John Walker & Robert Moundeford to the byll of compleynt of Henry Brodebent.

The same John seith that the said Edmond Leez decessed the ij day of Julye last past, & made & declared his testament & ordeyned the said Henry Brodebent, now compleynaunt, to be his executor, and for xijs vjd parcel of the said rent of xxvs after the deces of the said Edmond the same John Dokenfeld sent one Laurence Oldeham, then beyng his seruaut & baylye of the said maner of Dokenfeld, to the said mese to demand the said rent of the said Henry, which the said Henry paid at which tyme the same John Dokenfeld gaff full warnyng to the said Henry that he shuld not occupye the said mese & londes no longer then untill he hadd of the cropp which then was growyng upon the said londes and tenements, and also that he shuld not in any wise medle with the said mese no longer then the fest of the Inuencion of the Holy Cross next after the decesse of the said Edmond, and the pasture ground, parcell thereof, unto the annunciacion of our lady last past according, to the custumable warnyng of the said countrye; which notwithstanding the said Henry, after he had taken the said croppe into his own possession, wrongfully newlye ered & subuerted certen of the said londes with his plowes whereof the said Dokenfeld the xxiiijth of Novembre sent the said Thomas Hurst & Alexandre Eritage, ij of the said defendauntes, in pecyble maner unto the said ground to commaunde the said Elizabeth Brodebent, wiff of the said Henry & one George Hurst, being servaunt of the said Henry, & then beyng plowing & eryng of the said ground, that they should leve theyr said plowing & wrongful occupation of the said ground. The said Elizabeth & George Hurst departed in pecyble manner without such thretinges as ys surmytted by the said bill. And as to the second surmysed riott in the said bill at the house of the said Henry thereunto the said John seith that, so it was, there was a warrant for the peas awarded out of the eschequer at Chestre at the sute of one Rauff Fydler of Matley ayenst the said Henry & Elizabeth, directed to the said Thomas Upton, then being the kynges baylye of Maxwoodefeld hundred within the countye of Chestre, to bring the said Henry Brodebent & Elizabeth his wiff before the said Justices to fynde suretyes to kepe the kinges peas ayenst the said Rauff Fydler of Matley and all other the kynges lege people, wheruppon the same Thomas Upton beyng in fere & drede to execute the said precept upon the said Henry Brodebent & Elizabeth his wiff, for iopardy & fere of his liff, commaunded & charged the said John Bibbe, Laurence Maiden & dyuers persons named in the said bill of compleynt, in the kynges behalf to goo with hym in pecyble maner to aide & socoure hym to serue the same warrant upon the said Henry & Elizabeth for his

sauegard which persones so requyred in the kynges behalf by the seid bailye according to theyr dutyez went with the seid bailye to see the seid process dewly to be executed in pецyble maner without that that &c. &c.

Dokynfeld supposes that one Agnes Fydler, wife of said Rauff, to whom he had demised the premises, peaceably entered the said garden & messuage. He made no such covenant on Brodebent's marriage as is alleged, nor was Brodebent ever his tenant other than as executor of Leez; he paid no heriot for himself, but only one cow with a young sucking calf according to the custom of the manor after the death of said Edmund.

(2) The replication of Henry Brodebent and (3) the rejoinder of John Dokenfeld merely re-affirm their respective statements.

TENANTS OF BOSLEY *v.* TENANTS OF SUTTON

Re RIGHTS OF PASTURE &c. IN CO. CHESTER

(S.C.P., Henry VIII, Vol. v., fo. 103)

To the kyng our soverayne lorde. In moos thumble wise complayn unto your moost excellent highnes your orators and faithfull subyettes Hughe Holynshed, Thomas Browster, James Wyttacres, Roger Browster and other tenantes and fermers to Edwarde, Erle of Derby, withyn the lordship or maner of Bosley in your countie of Chester, that where the xiiij day of February last past in your gracys court of Sterre Chamber at Westminster day was gyffyn by the order of your moost honourable counsell unto your poore orators to putt yn a bille of there title and to prove the same betwyne this and mydsomer next, concernyng the landes in varyance betwyne your orators and your gracys tenantes of Sutton and Wyncull (your gracys lernyd counsell to be made privy thereunto); Soo yt is, moost dread soverayne lord, that the said Erle of Derby and his ancesturs, and all thos whos estate he hathe in the sayd maner, have used tyme out of mynde for them, there men and tenantes at wyll and for yeres of the sayd maner, to delve and dygge turvys, to drye them and carye away, in all mossez or turbaryes of two mountayns there, commonly callyd Bosley myns and Seusage, begynnyng at the one syde of the mosse therof, and so folowyng continually, without dyvers pyttes makyng, lest the dere of your highnes and your noble progenytors shuld be drowned thereyn; and also have used by lyke tyme to have commen of pasture for there beastes and catall in the seyde two montayns, and to gette and dygge turves upon the overmose, part of the same two montayns; by occasion whereof your sayd poore supplyantes, beyng tenantes or fermers at wyll or for yeyrs to the seyde Erle within the seyde lordship or maner of Bosley,

have dyggyd and gotton turvyys upon the overmost part of the same two montayns, and had comen of pasture there until now of late wythyn foure or fyve yeyres last past that they have byn disturbed by John Oldfeld, Rauffe Brodhurst, Rauffe Gardyner and dyvers other tenantes and inhabytauntes of Sutton and Wyncull aforeseyd, whyche have commen of pasture [for] there beastes and cattall in other places in Sutton and Wyncull in thre thowsand acres and above. So that the dysturbance that ys made to your seyde poore orators by the seyde Oldfeld and others ys rather of malice then of eny good matter. And whyche John Oldfeld in accomplyshement of his further evyll mynde upon the fyrst day of Marche last past or there aboutes hath wrongfully cutt downe & caryed away certeyn holleyys and underwood in the woodes of Bosley aforeseyd to the number of iij or iiij wayne lodes, contrary to the law, right and good conscience. And your orators have matter in wrytting and deposicions to prove the seyde title of there dyggyng turves [etc.] And where also there was an order takyn in your seyde gracys Court of Sterre Chamber the xiiij day of Februarye in the xxxj yeyre of your most gracyouse reying [1539/40] that your poore orators shuld not commen in the grounde in varyance betwyne them and your tenantes of Sutton and Wyncull, by occasion whereof your seyde subgettes be in daunger to lose there commen of pasture and turbary whiche they of right ought to have as well in the other grownde of the seyde Erle as in the grounde in varyance, onles your highnes beyng movyd with mercy and petye will be pleased to graunt your gracyous commyssion unto suche persons as shall have wrongfully dysturbed them in suche commen of pasture and turbarye as they ought to have within the lordshyp of Bosley aforeseyd, and also to examyne and trye by trewe metes and bounds how myche of the seyde commen of pasture and turbary ys the inherytance of your highnes and how myche thereof ys the frehold and inherytance of the seyde Erle, and in how myche thereof your orators ought of right to have there commen of pasture and turbary in. And further that yt may please your highnes to directe your gracyouse wryttes of subpena agaynst the seyde John Oldefeld and the others commandyng them . . . personally to appere [etc. etc.].

(*Ibid.*, xii., folios 205-7.)—Depositions taken at Mexfield 24 January . . . [*illegible*] Henry VIII before Richard Legh, esquier, John Henshaw, gentilman, and Thomas Whitney, clerk, commissioners by virtue of a writ of *dedimus potestatem* to them directed, upon behalf of the tenantes of Edwarde, Erle of Derby, of the lordeshipp of Bosseleye agaynst the tenantes of Sutton and Wyncull, (in answer to interrogatories brought in by James Brewster of Maxfeld, co. Chester, and certified by the abovesaid commissioners).

Rauffe Morres, aged 50, depositth that there was never beastys nor cattells of the tenantes of Sutton nor Wyncull dystaynyd in the grounde in vvariance syth the tyme of the order made in the Ster Chamber ; nor have the tenantes of Bosseley commynytt purpassely with theyr cattells there contrari to the seyd order, bott agaynst there wyll, wherfore the tenantes of Bosseley have beyn impondytt and constraynytt to pay for the same. Syth the seyd order was made the tenantes of Sutton and Wyncull have claymed more grounde of the lordshipp of Bosseley than befor, and have dystayned the catellez of the tenantes of Bosseley there, and caused them to pay for every beast jd., and for every horse ijd., and for every fyve shepe jd. ; and have likewise wrongfully cutt downe the woddess of the Erle of Derby there, and caried away the woddys and underwoodes.

William Key of Northrowde, co. Chester, aged 79, depositth as above ; also that the shepe of Rauffe Brodhurst were dystaynytt in a place called Bosseley Wode in Bosley, and not in Sutton or Wyncull, or any part thereof ; they were lawfully impondytt by the tenantes of Bosley, and the seyd Rauffe myght bowroyd them lawfully yf he wold. It was offred to hym that yf he cold fynd sufficient person or persons to sey they were taken in Sutton and Wyncull or upon the grounde in vvariance, he shuld have them delyvered up, which he always refusytt.

Similar depositions are made by Robert Morres, aged 46, and Edward Browster, aged 40 ; also by James Whittakers, aged 60, who refers to Hugh Hollynsched, bayly of Bosley, (who offered to bide the award of the Lord Chancellor of England in the matter of Brodhurst's sheep).

Other deponents to the like effect are James Plonter, aged 50, Richard Smyth, aged 50, Thomas Key of Buglawton, aged 40, Robert Smyth of Clowdewode, aged 40, Rauffe Dale, aged 38. (The latter went with Roger Whyttakers to the lord's common in Bosley to look out for certain horses of their own, for dread lest they should trespass on the ground in vvariance, and the same day, which was the Monday before Whitsunday 35 Henry VIII [1543] they saw Brodhurst's sheep go unconstrained beside the ground in vvariance into the woods of Bosley, about seven or eight o'clock in the forenoon.) Other depositions to the like effect by Roger Whittakers, aged 21, George Dowson, aged 22, Hugh Pedley of Buglawton, aged 60, Philip Pedley of Buglawton, aged 58, Henry Parnell of Rowde, aged 70, Nicholas Gardener, aged 50, Christopher Byrron of Titttryngton, aged 34, Richard Chompyng, aged 30, and Thomas Leydbeyter, aged 21. It is stated that Rauffe Gardener of Wyncull came to see the sheep, but refused to take them away.

BOSTOCK *v.* CALVELEY*Re* ASSAULT AND DETENTION OF PLAINTIFF'S HORSE

(S.C.P., Henry VIII, Vol. v., fo. 104)

To the king our soueraigne lord. In most humble wise shewith unto your moste excellent maiestie your true subiect and humble orator James Bostok of Barton that where your said subiect and orator was in goddes peace and yours (most dreed soueraigne lord) at Mylton in your graces countie of Chester, So it is most excellent soueraigne lord that upon Wensday the viijth day of May last passed one Hugh Calveley esquier William Thomson Nicholas Raulynson Nicholas Symkyn of Hanley Hugh James of Hanley and other evill disposed malefactors and perturburs of your graces peace to the nombre of nyne persons and aboue, the residue of their names ar as yet unto your said orator unknowen, with force and arms in riottous wise in maner of warre arreyed that is to say with staves swordes buklers daggers and other weapons aswell defensive as invasive at Mylton afore-said in a certen place there called Mylton grene in your graces high wey within your said countie of Chester in one greate conventicle or unlauffull assemblye being gathered together unlauffully assembled to the great feare of your graces peasible subiectes riottously and in veray cruell and heynous maner did make an heynous assaulte upon your said subiect and oratour and then and there with like force and armes take from your said oratour his horse wherupon he your said oratour did then ryde and the same your oratours horse with like force conveyed and brought unto a place called the ley and so as yet doo wrongfully deteyn and kepe the same horse from your said pore orator contrary to your graces lawes and to the utter undoing of your said pore subiect onles your graces remedy theryn be had and shortly provided with condigne punysshement for the same in avoiding of like evilles in those parties hereafter to be practised wherfore the premysses tendrely considered for the due mynystracion of justice and punysshement of like offenders it may like your most excellent maiestie of your accustomed vertue and justice not only to direct your writtes of subpena to the said Hugh Calveley esquier and thother offenders aforenamed commaunding them and euery of them personally to appeare in your sterred chambre at Westminster [&c.], but also to enyoine the said Hugh Calveley Esquier to redeliuer unto your said orator his horse so by him wrongfully taken and kept. [*No year given.*]

BOOTH *v.* POWNALL AND OTHERS*Re* MURDER OF OTTIWELL BOOTH

(S.C.P., Henry VIII, Vol. 5, fo. 135)

*Memorandum.**Inprimis*

	Robert Pownall	} These ben the names of theym that were present upon the ground at the murdurynge of Otwell Bothe the x th day of Septembre in the x th year [1518] of King Henry the eght in the Marketheford of Stoppcott [? Stockport].
	William Bradburne gent.	
presence	Alexander Hunt prest	
	Richard Dole	
	Olyver Cowper	
mortuus	Richard Brentnall	
. . . [?]	William Birche	
+	Richard Dampont gent.	
	Nycholes Brokeshagh	
presence	Richard Sawnderson	
	Olyver Elcok	} These ben the personez that helpe to convey the said Robert Pownall after the murdur don owt of Cheshire into Lancashire & consenters to the said murdur.
	Thomas Byrche prest	
	Cristofer Ryele	
	Henry Hall	
	Alexander Hunt	
	Thomas Tyngyll	
	Sir Geffrey Brodeles prest	
	Thomas Hunt	
	Rauf Hunt	
	Rauf Hall	

(*Ibid.*, folios 164 and 165.)—Raf a Marslande of thage of xxiiij yeres or theraboute, and Robert Shoore, of thage of xl yeres or thereaboutes, witnesses brought in by Alice Bothe against William Davenport of Bromehall, sworn and examyned the xjth day of Novembre upon interrogatories ministred by the said Alice Booth upon the murdre of her husband Otwell Boothe. They say they saw noon other person that stroke the said Otwell saving Robert Ponall, who strycked him to the hart with a dagger. When Pownall came downe the pavement to the market place where the same Otwell stoode to sell his corne, he toke the same Otwell by the bosome, saying “A horeson arte thou here to-day,” and therwith toke out his dagger and stikked him. He saw Pownall commyng afore and a grete many in a plombe after, which was Will Birche, Will Bradborne, Richard Brentnall, Richard Dole, Oliver Couper,

Sir Alexander Hunte, all these beyng of Pownall's owen company. Ther was also Richard Davenport, brother to Thomas Davenportt, Nicholas Brixshawe, and oone Saunderson and many moo, whose names they remember not. Oliver Elcok came also to aid the said murderers. When Ponall came to a gate called Soldesgate beyond Lancashire bridge, the said Elcok was oon of them that moost aided the said Ponall to escape, and wolde have put them in joopardie of their lyves that wolde have pursued the said Ponall upon the said marcher. Raufe Merslande had taken Ponall and Nicholas Brixshawe with a bill strake the same Raufe upon the hedd, that he fell on his knees. Then came Birche and strake the same Rauf with a staffe, and oone William Bradborne strake at Merslande, which stroke was kept off by Pers Stanley, and then Brixshawe and his felowes toke from them the said Ponall, and badd him "goo his way, for Bothe is killed," and soo he rann his way towards Lancashire. And the deponents and others folowed to have taken him. And when they came over Lancashire bridge Ponall went in at a gate, the deponents wolde have folowed him, and then Bradbourne and the others sette their bakkes again the gate and seyde that if ony ther present presumed ony further to folowe the same Ponall he shulde dye for it. As for any constable that folowed Ponall in Stopford [*sic*] they know of noon.

They knowe not that William Davenporte the elder, or his son, did commande or abbet or were prevy to the murther; after which Bradborne, Dole, Brentnall and Couper resorted to Bromhall, the house of the said Davenport. It was reported that William Davenport sent to Alexander Ratclif and Edmund Ratclif to have William Birche letten to bail.

Piers Stanley, aged 40 years or thereabouts, deposeth as above, and saith that Brocshaw gave Merslande a great wound on the head with a hedging bill. Bradborne has continually ever sins been household servant of William Davenport of Bromehall.

BOSTOCK *v.* DUTTON

Re TAKING OF OXEN & HAY AT HUXLEY, CO. CHESTER

(S.C.P., Henry VIII, Vol. v., No. 162)

To the king our souereigne lorde. In his moost humble wise sheweth unto your most noble grace your true subgiett and dayly orator, William Bostok of Huxley within your countie palyntyne of Chestre yoman that wher Sir John Savage the younger knight was seased in his demeane as of fee of and in a messuage xx^{ti} acres of pasture ten acres of medue with thappurtenaunces and lying in Huxley aforesaid, and so being seased the said Sir John the xiiijth

day of October in the xth yere of your noble reigne [1518] demysed graunted and let the said premysses unto your said orator for terme of his life yelding and paying yerely therefore unto the said Sir John and to his heyres xxvijs by vertue wherof your said orator entred into the said premysses and was therof seasid in his demeane as of freeholde and so it is moost drad souereigne lorde that the laste daye of Marche in the xth yere [1519] of your most noble reigne John Rigmayden, yoman, William Weyver, bocker, with dyuers other ryteous persons unto your orator unknowen ryteously with force of armes by the procuryng and commaundment of Piers Dutton esquire the daye and yere abouesaid ryteously entred into the said premysses and divers catell of your said orator that is to say ten oxson beinge in the said xx^{ti} acres of pasture forcybly and ryteously toke and wrongfully caryed awaye and wolde not suffre your orator to haue his said catell wherfore he was of necessitie compelled to sue for thaim by replevy by reason of which wrongful takynge dyuers of the said catell stode so longe in the pounce that shortly after they were replevyed they dyed to the great damage of your said orator, yett the said Piers Dutton nott contentid but of his further malice withoute any cause the xviiiijth day of October the yere abouesaid sent John Rygmayden and Raphe Case into the said pasture with swerdes and bokelers to the entente to bete your said orator. At which tyme it fortunied your orator to be from home and they that seinge of theyr ungracious myndes founde in the said pasture a greate mare with foole of your said orator which they chased and toke with thaim and utterly destroyed and kyllied the said mare wherewith the said Piers Dutton was right well pleasid. All this notwithstandinge the said Piers nott contentid and satisfied with the forsaid ryotes iniuries and wronges by hym aboue doon unto your said orator moost gracious souereigne lorde the viiiijth daye of Auguste in the xjth yere [1519] of your moost high and excellent reigne the said Piers Dutton at Huxley aforesaid gatherid and to hym assembled twenty ryteous persons with bills bowes arrowes swerdes and bokelers whiche ryteously and forcybly without any cause or lyefull tytle entred into the said medowe which Piers with his said ryteous company mowed the grasse therapon growinge and made it in heye and by night the said hey dyd take and cary awaye and the said premysses the said Piers dayly sythins the said viijth daye by force kepte from your said orator and taketh the profytes thereof to his owne use sayinge that he woll occupye the said premysses and that he woll make your orator to paye the rent therof unto the said Sir John Savage and so your said orator doeth pay the rente therefore in dede withowte occupyinge therof. And furthermore most noble souereigne lord the said Pyers dayly doth manase your said orator

and his servauntes and hath many tymes wrongfully imprysoned dyuers of the seruantes of your said orator where your orator can haue no seruante that dare abyde and dwelle with hym for fere of the said Piers. And thus your poore orator is lyke utterly to be destroyed and undoon thorough the wylfull dealings of the said Piers and other persons of his affynitie for all the trouble vexation losse of goodes and damage that the said Piers can thynke and devyse to be doon the said Piers doeth and causeth thaim to be doon to your said orator makynge his advaunte that he woll make your said orator to leve his said leas in the premisses or ells he woll undoo your orator or he leve hym in pecis. Wherefore your orator is wery of his lyfe to lyve in such extreme malice with the said Piers and is fallen in poverty by the occasion of the said Piers and shalbe feyne right shortly to flye the contry and dwellinge thorough the seid handelynge of the said Piers Dutton except your most marcyfull pyte to your orator be shewed in this behalff. In consideration wherof it may pleas your royall highness of your habundaunte grace to graunte several wryttes of subpena to be directed to the said Piers Dutton & the others above named, &c. &c.

BUTLER *v.* RISLEY

Re A DISTRESS AT CULCETH, CO. LANC.

(S.C.P., Henry VIII, Vol. v., fo. 166)

To the kyng our Souereign lorde. In most humble maner complayneth to your noble grace your true and feythfull seruauent Sir Thomas Boteler knyght that where one Henry Risley helde of the seide Sir Thomas certen londes and tenementes in Culchethe in the countie of Lancaster by homage feaulte & escuage and by the rent of ijs vij^d ob. yerely to be paid at the feste of Seynt Marteyn in Wynter and for homage and fealte beyng behynde and ijs vij^d ob. of rent for a whole yere your seid seruauent sende on Richard Parker his baylif to take ij oxen for a distresse and was dryvvyng them towards the pound of your seide seruauent and then the seide Henry Risley and Hamnette Risley accompanied with other riottors and misruled people to the nombre of viij personnes and mo with force and armes the xx day of decebr last passid at Culcheth foreseid in the seid countie upon the seide Richard made assaute and hym then and there bete and entretid and put in jeopardy of his lyffe and the seide distresse riottusly rescued and toke fro the seide Baylly contrary your graces lawes, ageyn whom your seyde besechor can haue no remedy there by course of your graces comen lawe by cause the seide misdoers be borne there

by men of grete might and power in the countrey and so your seid besechor to be withoute remedy to the evyll exampull of other lyke offenders and to the disheritaunce of your said seruaunt onlesse your most noble grace be to them shewede in thys behalfe. In consideration wherof that it may please your highnes of your most noble grace to graunt to your seyde be . . . gracios letters of privy seal to be directed to the foreseid misdoers commaundyng them by the same t'appere before your highnes and the lordes of your most honorable counsell at a day by your grace to be lymeted t'answer to the premisses &c. &c.

(*Ibid.*, fo. 128.) The replication of the said Sir Thomas to the answer of the defendant asserts that the distress was lawfully taken, because the defendant had done homage and paid relief and rent on the premises. As touching certain vagabonds and misruled persons lying in Weryngton, "whiche is supposid the seide Sir Thomas and his wiffe shulde bere thereto," this replicant knoweth none such there but such as be borne and favoured by the defendant and his adherents, which daily lie in wait to make unlawful assemblies and riots, to the great commotion of the king's people dwelling thereabouts. (See *post*, p. 122.)

(*Ibid.*, Vol. vii., fol. 177.) The rejoinder of Harry Rysley to the replication of Sir Thomas Butteler, knight. He saith as he hath said in his answer, and avereth the same to be true, without that that the said Henry payed any rent to the said Sir Thomas or his officers for the grounde comprised in the bill of complaynt; and as for the homage and releffe supposed to be doon by him, he saith it was don by the compulcion and for favor of Maister James Stanley, Archedeken of Chestre, now dissesyd, with whom the said Sir Thomas was and dwelled in household, whiche at that tyme suffred and bere the said Sir Thomas to doo what he lyst, and so the said homage is uttrely voyde in the lawe; without that that any ydle mysruled peopill and vacabondes dwellyng in Waryngton or therabouttes be boron or favored by the said Henry and his adherentes, or by any other persons, excepte the said Sir Thomas, his wiffe and servantes; or that eny persons ly dayly in awayte to make onlawfull assemblylis or ryottes. Whereas the said Sir Thomas hath confessed to the takyng of the bestes of the said Henry ayenst his wyll wrongfully, and by extorte meanes in suche landes and places as be not holden of hym, wherefore he prayeth that the said Sir Thomas may recumpens him of all his hurttes growen by the meane of the said wrongfull takyng, and fynd suerte to be good of beryng ayenst the said Henry, to thentent the said Henry may liff as the kinges true subget in Godes peas and hys without trouble of the said Sir Thomas herafter in that behalff. [*No dates.*]

BROWNE *v.* TAYLOURE*Re* PROPERTY AT MOTTRAM ANDREW, CO. CHESTER

(S.C.P., Henry VIII, Vol. vi., fol. 217)

To the kyng our soveraigne lorde. In most humble wise compleynith Nicolas Browne that when he was seased of 40 acres of lande, medowe and woode, and of a runnyng water in Mottram Andrew in the parishe of Presbury, co. Chesture, called the Deyn, and therwith enfeofed one Geffray Barlowe and other to the use of Jamys Barlowe and other for terme of certeyn yeres yet induryng, with remainder to the compleynant and his heires, so it is that Roger Taylour, Edmunde Taylour, Humphrey Lees, Thomas Lees, William Daynyell, Peirs Upton, John Mottram, Henry Bromeley, Richard Whityngstall, Francis Newton and other riotous persons unknowyn, to the number of 22 and above, assembled themselves the 8th of Julye or thereabouts in the 21st yere of your reigne [1529] and ryotously and with force and armes by the procurement of Humfrey Newton of Pownall in the said countie, esquier, entered into the premises and cutt downe parcell of the woode, and therwith and with other stuff levied and erected a weyre in the same runnyng watur, stoppyng its course, to the great hurte and disinheritance of your subget and the parlouse example of such like offenders. In consideration wherof [etc. etc.].

BRUCHE *v.* HAWARDEN*Re* MANOR OF BRUCHE, CO. LANC.

(S.C.P., Henry VIII, Vol. vi., fo. 247)

To the kyng our soueraign lord. Lamentably sheweth unto your highnes your true subgiēt Hugh Bruche of your countie of Lancaster, gentilman, that where the seid Hugh was seased of the maner of Bruche in his demene as of fee, and by reason of the same the tyme that no mynde is to the contrary he and his auncestoures haue alway used and had for thaym & their tenauntes common of turbarye in a ground called Wolston Mosse in the seid countie, unto now of late that one Thomas Hawardyne th'elder of Wolston aforeseid, gentilman, and Thomas Hawarden ye yonger of the same, Laurence Leicester, James Wheteney and other evell disposed and riotous persones to thaym assembled to the number of 30 araied in maner of werr that is to say with jakkes, salettes, bowes, arowes and billes

come to the seid Wolston Mosse 3rd Julie 8 Henry [VII] and ther with force take away the turfes of your bisecher and tenauntes to the nombre of 30 carteloades, and thaim conveyed to the dwelling place of the seid Thomas contrarie to your lawes and peace. And divers of the tenauntes of your bisecher so wronged, heryng tell of the seid unlafull assemble, went to the seid ground to understand ther demenyng. And then and ther the seid riotous persons, as sone as they se the seid tenauntes shotte arowes at thaim, and thaim putte in grete fere and joperdie of their lyves. And also the seid Thomas and Thomas, notte beyng therwith content, but as men not dredyng the displeure of God ne the brekyng of your lawes, eftsones sent severall letterez as well to Sir John Lee, knyght, and William Bothe, esquier, as to other worshipfull men beyng of grete power, to thentent to have mette thaim at the houre of 12 of the klok in the nyght at a place in the seid letterez prefixed, with such men in hernes as thei myght make, intendyng therby to have murdred and slayn your seid besecher in his dwellyng place. But, as God wold, your besecher had knowelege therof, or els he had been ther piteously murdred; and for fere of the same he nor his seid tenauntes daure not abide at their seid dwellyng places, except it may pleas you of your moste abundant grace and pite [etc.].

Letters directed to the defendants 3 January, 9 Henry VII [1493] to appear at Westminster in the Quinzaine of Hilary next to come.

BRINDLEY *v.* FULSHURST

Re PROPERTY AT WISTASTON AND MONKS COPPENHALL
Co. CHESTER

(S.C.P., Henry VIII, Vol. vi., fo. 251)

To the kyng our sovereign lorde. In most humble wise complenyth William Brundley of Wistaston, co. Chester, that wher his father Thomas Brundley was seised of thre closes (about 24 acres) in Wistaston, after whose dethe the premises descended to the complaynant as his sonne and heire, he was seised thereof until thereof disseised by one John Foulcehurst, against whom he brought assize of novel disseisin before the kynges Justices of Chester, and recovered the premises and entered therein; and hath peasibly continued in possession of the same by the space of 14 years and more without let or interruption, till now of late, viz., the Tewisday next after the feste of St. Marteyne the Bysshope last past, one Hamnet Cheynu of Bartonley, co. Chester, gent., Rafe Sparow of Crew, yoman, and Robert Wethenshaw

of the same place, laborer, assosiate with divers other riotus and mysruled persones to the number of syxtene, by the commaundmente, abettyng and procurement of the said Fulcehurst, their master, riotusly enteryd into the premises and clerely expulsid the compleynant from the same, and also riotusly did builde and make for their succor too severall cabynes or severall cotages upon the same, and with force kepte and yet kepith possession of the same, and burnyth and destroyith the woode growyng upon the same to the grete hurte and impoverysing of your compleynant and in moste petus insample of all such riotus and mysruled persones. In tender consideracyon whereof [etc.].

(*Ibid.*, fo. 252.) Commission (11 July 22 Henry VIII [1530]) to John Birkenhed and John Bryne, esquires, to hear and examine touching the matter in the above bill contained, summoning the parties and witnesses on both sides, making return of their findings in Michaelmas term next at Westminster.

Further complaint of William Bryndeley of Wisteston that, wher he is seasid of 10 acres of pasture in Monkes Copynall called Mylpolested with the bankes, and thereof hath taken the profittes by the space of 10 yeres without interrupcyon, now on the 20th of Marche 22 Henry VIII, one Francys Fulhurst, Robert Shaw, William Shaw, Randall Cowper and Rychard Thomlinson, and other ryotous persons to the noubmer of eight or thereabout, arraied with bylls, staves and other wepons, enteryd into the premysses and in cruell maner expellyd the compleynant; and ther founde his doughter and one of his maydens doing of work there, and bett and hurte theym, that they were in perell of their lyves. And not therwith contentyd, of his further malyce, on 5 November 23 Henry VIII the same Francis came to the seid pasture and there toke one cowe of your poure subgetes, and hathe kylld and convertyd the same to his housholde, and also ther toke 4 other grete beastes, to the grete impoverisshyng of your seid subject, his poure wyffe and chyldern, oneles your gracyous helpe and soccor [etc.].

(*Ibid.*, fo. 253.) The answer of Thomas Fouleshurst, esquire. He prays to be remitted to the court of common law of the county palatine of Chester. He says, nevertheless, that for 200 years past the premises have been parcel of the inheritance of himself and his ancestors. One Sir Robert Fouleshurst, knight, his great grandfather died seised thereof, from whom they descended to Thomas Fouleshurst, esquire, his son and heir, from him to Robert Fouleshurst, esquire, and from him to Edward Fouleshurst, esquire, his son and heir, in whose time the said William, by such maintenance and supportation as he then had and yet hath, by crafty means commenced and sued out an assize of novel disseisin against one John Fouleshurst, who had

nothing in the same lands but at the sufferance of the said Edward, and recovered them, the said Edward being within age and the king's ward, and not of sane memory. By force of this recovery he occupied the premises during the life of the said Edward, after whose death, the defendant, perceiving his right and title therein to be good, peacefully entered the premises and so keepeth the same, as he lawfully may.

In his replication Brindley alleges that the abovesaid Sir Robert Fouleshurst brought a writ of *formedon in the remainder* against Thomas Brindley, his father, who vouched to warrant Sir William Stanley, knight, which Sir William vouched over one Christopher Brindley, who vouched over one William Kirkham, which vouchee the said Sir Robert counterpleaded, and it was tried against the said Robert as of record shall appear, and the said Thomas Brindley continued his possession thereof. The complainant was born after his father's death, and Sir Robert wrongfully entered into the lands, and made an estate thereof to one John Fouleshurst, who occupied until the complainant came of age, against whom he recovered as aforesaid.

Depositions taken at Chester before John Birkeheued and John Bruyn 3 October 22 Henry VIII [1530] on the part of the complainant.

John Yonge of Ouwer, aged 84, says that Thomas Bryndeley was seised of the premises and demised the same to one Jenet Brundeley, who paid him rent for the same. William was born after his father's death; he entered on coming of age. He has heard say that John Fouleshurst disseised him, and that he recovered the land by assize of *novel disseisin* at Chester. He has also heard that Hamnet Cheyne of Bartumley, Rauff Sparow of Crue and Robert Wythunshaw at commandment of Thomas Fouleshurst, esquire, riotously entered as in the bill is alleged, and builded two several "cabiges" etc. etc.

Similar evidence is given by John Laithwayt of Ouwer, aged 66, Thomas Whitacres of the Namptwiche, aged 60, Christopher Yonge, aged 78, John Kirkham of Lytle Budworthe, aged 50 and above, and Perys Bekonsall of Ouwer, aged 60; from which also it appears that after Thomas's death, his widow and sister Janet occupied the premises till put out by John Fouleshurst; one Thomas Skariot and his wife now do keep the said 'cabiges,' and he is building a house upon the same by commandment of Thomas Fouleshurst. Skaryet and others now dwelling upon the ground have cut down 36 trees for their building. John Kirkham's father, on his death bed, called his son to him and charged him to go with the said William to the Shire of Passage, and that he should depose upon a book that Thomas Bryndley, father to the said William, was seised and died seised.

Further depositions taken 12 October. Raynold Lancastre, aged 64, dwelling within half a mile of the said ground, says that Jenet Bryndley and Elizabeth Janyn occupied the land after Thomas Bryndley's death, till Sir Robert Fouleshurst gave the land to his son John. John Roope, esquire, aged 50, took the depositions of Robert Wright of Willaston and others on 15th May 6 [?] Henry VIII, which are now delivered in writing to the abovesaid commissioners.

John Brayn of Fadeley, aged 46, testifies on behalf of William Brindley, having heard his father David Brayn say that Thomas Brindley was seised etc. Thomas Harrison of Audelym, aged 60, says that Brindley has occupied the ground for 4 years past; John Rydley and William Moreton occupied for 8 years next before him. John Coke of Ouuer, aged 68, deposes that Jenet Bryndley and Isabell Janyns occupied under Thomas Bryndley; and that William has occupied 12 years and above. John Bekonsall of Ouuer, aged 72, knew John Bryndley, grandfather to the said William, who was in possession, and no claim ever made against him. He has seen 40 trees squared and ready to make building on the said ground.

John Woley, aged 30, says these persons following made riotous entry upon the ground in question, viz. Thomas Fouleshurst of Crue, esquire, Robert Basford of Crue, Robert Maykyn of Sloderhill, Jamys Smythe of Crue, Hamnet Cheyne of Bartumley, Rauffe Henshaw, priest, Jamys Whitacres of Audeley, Richard Shaghe of Audeley, Rauffe Sparow, Humfrey Bromley, Robert and Thomas Wynstanley, William Somerville, William and Hugh Pykeringe and John Thomeyes, all of Crue, Rauff Alger of Bartumley, Thomas Whitney of Cole, John Mascy of Munkes Copnall, Rondulph Whitney, Thomas, Cicely and William Skaryot of Wistaston, Agnes Skaryot, John Robinson of Wistaston, John Legh and Isabell Robynson of Wistaston, Humphrey Prachet of Monkes Copnall, John Wodde of Namptwiche and one Wythinshawe.

Depositions taken 12th October on behalf of the defendants. Thomas Whitney of Cole, gent., aged 67, says Sir Robert Fouleshurst had his beasts put upon the land years before the death of Thomas Brindley, and that John Whitacres was tenant thereof to Sir Robert and John Fouleshurst.

Evidence of Thomas Basford, aged 76, John Whitacres of Wistanston, aged 60, Thomas Wythynshaw of Crue, tenant to Thomas Fouleshurst, aged 80, Sir William Kent, chaplain, aged 75, Perys Mascy of Monkescopnall, aged 80, Rondulph Fox of Churchcopnall, aged 60, tenant to Francis Fouleshurst, Robert Ridley of Wistaston, aged 70, dwelling within half a mile of the said ground, Richard Arosmithe of Namptwiche, aged 40 [?],

John Wodde of Namptwiche, aged 26, Edward Mynshull of Namptwiche, aged 50, Rauff Coly of Haslington, aged 72, Rauf Alger of Bartumley, aged 60, Thomas Skaryot of Wistaston, aged 54, and John Legh of Wistaston, aged 40. From their depositions it appears that Sir Robert let the ground in question to one Thomas Hamnet, who occupied it when Basford was 8 years old; Roger Smyth took the ground after him, and after that one Thomas Basford, the deponent's father, occupied it for 4 or 5 years. John Whitacres' father Roger held parcel of the ground for 9 or 10 years, paying rent to Sir Robert and John Fouleshurst; one Brayn of Astongreen afterwards took it. When Thomas Fouleshurst came of age, he entered and has continued his possession ever since. Rondolph Foxe, dwells at Haslyngton with John Shaw, who "afore the first Scottishefyld" bought two oxen of John Fouleshurst, which were fetched out of the said ground. Robert Ridley came to the parish of Wistaston on the Tuesday preceding the Saturday on which Thomas Brindley was buried, and has never known the ground out of the name of Fouleshurst. Richard Arosmithe's father Thomas held the ground for ten years, when the deponent was a child, paying rent to John Fouleshurst, John Woodde was deputy last year to Roger Broke, under sheriff, and was present with Thomas Fouleshurst in November last, when he took possession, and no one else was then present. Fouleshurst caused him to leave his sword and buckler in a lane, and he had no manner of weapon with him but a small white rod in his hand. After taking possession, Fouleshurst sent him to Brindley's house to inform him thereof in peaceable manner; and in the lane there was none but Thomas Whitney, John Thomeys, and a child of the said Thomas Whitney. One John Jacson of Wistaston was another tenant of Sir Robert of the same land. Alger has known the land for 50 years, and the year of King Richard's field (that Kyng' Ric' fyld), he dwelt in Monkescopnall with one Robert Taylior, at which time Sir Robert Fouleshurst was in possession, and commanded Thomas Wrenbury, then his bailiff, to deliver wood out of the said ground to the mending of a foul lane near adjoining called Crue lane.

BRAYNE *v.* MASSY

Re MANOR OF CODDINGTON &C., CO. CHESTER

(S.C.P., Henry VIII, Vol. vi., fos. 286 and 288)

To the kynge our soverayne lord. In moost humble wise shewith your faithfull subgettes Alexander Brayn and Mawdelyn

his wyfe, doghter and heyre of William Massy decessyd, that wher the said William was seasyd of the manors of Codyngton and Bechyn in the counte of Chestre, with messuages and landes etc. ther and in Eggerly, Garden¹ and Horton, whereof he and his auncestors had byn in peasyble possession by the space of 80 yeres or above, the premyses descended to the said Mawdelen after his death. Anne Massy, mother and "garden" to the said Mawdelen, thereupon enteryd and toke the profites till one Roger Massy, pretending to have the premises as heir male to the said William, and Thomas Salesburye and Emme his wife, claiming parcell thereof for terme of her life, by the greyt meynテナunce of Sir Randall Brereton, knight, beyng of greytt autorite and rule in the sayd counte, and other theyre adherentes, nott only attempted sutes and accions ageyn the sayd Anne in your courtes at Chester, butt putt the sayd Anne and Mawdelyn outte of possession. Wherupon the sayd Mawdeleyn exhibited to the Prynce's counsell, the kinges Commyssioners in the Marches of Wales, a bill of compleynt ageyn them, and the matter was ther brought to issue. But albeit divers decreez were made by the sayd Counsell and Commyssioners, enjoyning them to attempt nothing further till they had shewed sufficient matter and evidence for the proof of their title surmitted in there awnswer before the Counsell, nevertheles to observe any of the orders or decreez of the sayd Counsell they have obstinately and wilfully refused, whereuppon the procedinges before the said Counsell were certified by the said Commyssioners to the lordes of your moost honorable counsell in the Starre Chamber, and ther yet remeynyth. Sithen whiche certificat the sayd Mawdelen hath taken to housband the said Alexander Breyan [*sic*]. The defendantes still wrongfully kepe possession of the premises. Hyt may therefore plese your Grace [etc. etc.].

(*Ibid.*, fo. 282.) Commission (22 Nov. 22 Henry VIII [1530]) to the Abbot of St. Werburgh to take the answer of the said Roger Massy, he being too infirm to obey the summons to him to make answer before the king and his council.

Certificate (undated) by John, Abbot of St. Werburgh, of his having taken upon oath the answer of Roger Massy (sent therewith), and of his having received Randolph Brereton of Chester, gent., whom the said Roger has appointed his attorney in the premises before the King and his Council.

(*Ibid.*, fo. 283.) Mascy, in his answer, says the matter in the bill is craftily imagined by the complainants and other their great bearers to vex him and put him to great costs, he being a poor man and committed to ward in the castle of Chester, where he yet remaineth, for £100 the debt of the said William, father of

¹ Cardyn in fo. 288.

the said Mawdelen, for whom he was surety. The matter at variance is determinable at common law within the county palatine of Chester, according to the liberties and immunities of the same, for which the inhabitants have lately paid to the king 4000 marks. If he be compelled to make answer here, he saith that, long before the death of the said William Mascy, one Philip Boteler, esquire, recovered before the king's Justice at Chester all the premises against the said William Mascy, Thomas Salesbury and his wife, in accordance with indentures made betwixt them. Afterwards by deed bearing date 5 September 8 Henry VIII Boteler re-conveyed to William Mascy and his heirs; William by his deed on the same day enfeoffed Sir Rondulph Brereton, knight, Richard Cholmondeley and George Calveley, esquires, John Beeston, son and heir of Tocher Beeston, esquire, Richard Hogh, son and heir of Thomas Hogh deceased, esquire, John Spurstowe, son and heir of Rondulph Spurstowe, esquire, Bartholomewe Brereton, gentelman, and Rondulph Brereton of Chester, to the use of himself and the heirs male of his body, failing whom, to the said Roger Mascy in tail male, as to parcel of the premises, the residue to the said Emme and of other of the younger brethren of the said William for term of their several lives, with remainder in tail as above. By virtue whereof the feoffees entered and are yet seised, and have permitted the said William, Roger and Emme, and all other the younger brethren of the said William peacefully to occupy the said several portions of land to them appointed.

(*Ibid.*, fol. 284.) In their replication the complainants declare they cannot have justice indifferently ministered to them in the said county palatine (where the said Anne and Mawdeleyn have pursued the law for many years, obtaining no justice and redress of their injuries) by reason of the great bearing and maintenance there had on the part of the said Roger Massy. They acknowledge that Butler recovered the premises, but deny the settlement in tail male etc.

(*Ibid.*, fol. 285.) Roger Massy rejoins that the reason why the complainants could not recover the premises against him in the said county palatine, was that they had no manner of right to the same.

(*Ibid.*, fol. 287.) Thomas Salesbury and Emme, his wife, make answer that William Massy settled certain lands called Byners Londes and Wheryndale, to the yearly value of 5 marks, 2 closes called Goldesmithefeld, to the yearly value of 56s. 8d., and certain other lands in Codyngton, also parcel of the premises, to the yearly value of 30s., in tail male successively on himself and his brothers Roger, Hugh, Rondolfe, Robert and Bartholomew; also

a parcel of land called Grene Westmere and of a field called Westmer, late in the holding of Urian Pulford, on the said Roger; another parcel of Westmer in the holding of William Prynce, and a meadow there called Hannoke, in the holding of one Hugh Hulme, on the said Hugh Massey; parcels called the Pulfeld, Pole Medowe, Pole Crofte and the Hannoke, now in the holding of Robert Aldersey, on the said Randolff Massy for his life, with remainder to the said Emme Salusbury, late the wife of Robert Massy and mother of the said Rondolff; then to his brothers Robert and Bartholomew, for their lives, with remainder to the said William in tail male. A messuage and certain lands called Janyns holdynge were settled on the said Robert for life & two pastures in Bechyn called the Presteffeld and Medill Bechyn on the said Bartholomew, both to remain as the parcels settled on Randolf. Sir Randolf Brerton and Randolf Massey are deceased.

(*Ibid.*, fol. 289.) The answers of Rauff Weryne to the interrogatories of Alexander Brayne etc. He knows that the recovery was had in assize at Chester by Philip Butler, esquire, as abovesaid, and that Sir Robert Drury and Sir Edward Belknap, knights, Francis Slade, James Cruse and the deponent, with many others, were present at the same recovery. He remembers that shortly afterwards Butler enfeoffed William Mascy of all the premises, reserving a yearly rent of 40 marks, and that all the abovesaid persons were present at the delivery of seisin upon the said feoffment. He knows not whether the said William conveyed the lands to Sir Randolf Brereton and the others, but says that he profered to make sale of them to the said Sir Edward Belknap, who caused this deponent and others to inquire in the country whether Mascy had made any former sale or encumbrance thereof. He inquired of divers friends of the said Mascy, amongst whom one Randolf Spurstowe, esquire, father unto the said Mascy's wife, and his son John Spurstowe said they were privy to an agreement between Mascy and the said Emme Salusbury, that he should make a settlement (as in the answers is alleged). And an indenture to such uses was made by one Richard Snede, gent., learned in the law. And when it should have been sealed and executed, because it varied in divers articles from the former agreement, Mascy refused to seal it, and would never meddle further in the matter. By occasion of which report the said Belknap bought the lands, and a recovery thereof was had at Chester, at which time the said Richard Snede and one Randolf Brereton of Chester brought forth such a deed of feoffment and an indenture of the uses aforesaid, and in the open court before the Justice there they affirmed that the deed and indenture were sealed and executed by Mascy accordingly.

(*Ibid.*, fol. 290.) Similar answers by Roger Wygston. He knows by report of Sir Edward Belknap, deceased, and others that the recovery was had by Butler at Westchester as above said. The said Sir Edward and he, the deponent, made a bargain with William Massye and Anne, his wife, for the reversion of the premises two or three years after the estate made to Massye by Butler, not hearing or knowing at that time of any later estate or feoffment made by him to Thomas Salesbery and Emme and her sons, half brethren to the said William. But a while after the said bargain was made, it was reported that such a settlement had been made on the said Emme and her sons by one Hugh Holme and other friends, but William Massye always said that of a truth covenants had been drawn between them to that effect, but when the indenture was brought to him to seal, it varied from the covenants, and he refused to seal it.

(*Ibid.*, fol. 291.) Similar answers by Sir Robert Drury, knight, adding nothing to the above. Commission (3 June 23 Hen. VIII [1531]) to Sir Giles Alington, knight, and Thomas Lucas, esquire, to examine witnesses in the case, sending the examinations so made to the king and his Council at Westminster. Also the signed certificate of the said commissioners, accompanying the above "answers."

(*Ibid.*, fol. 292.) Interrogatories to be administered to witnesses on behalf of the complainants.

BRERETON *v.* LEICESTER

ASSAULT AT MOBBERLEY, CO. CHESTER

(S.C.P., Henry VIII, Vol. vi., fol. 295)

To the Kynges Grace Hyghnes. Most humbly shewith your true servaynte and subject Richard Brereton, knyght, that wher he is seysed in fee of a parke called Tatton Parke in the countye of Chestre in right of his wyffe, by just tyle and conveaunces in the lawe, one John Brereton his servaynte, by his commaundement, on the 4th of July last caste of certeyn buckehowndes unto a bucke of your subjectes wythin the said parke to kill the same, and the same howndes hunted the said bucke so sore that he brake oute of the parke, and the said John and the howndes pursuyng the same chase came unto a lordshippe called Moberlye in the said countye, where the same howndes sette the same bucke at a bay. So yt is that one Raffe Lecetre of Tofte, esquier, perceyving the same accompanied hymselff with one Thomas Rygeaway, Thomas Bent, William Held, John Jacson and John Smyth, with diverse

other lyght, ryotose and mysdemeaned persons to the nombre of 16 or above, and assembled together at Moberley wyth force and armes, and made assaute upon the said John, and kyllled the said bucke and toke hym away, and wold have strycken and slayn your subjectes servaynte, had he nott with moche payne fledde away, not only to the expresse wronge of your said subject, but also to the uttre breche of your gracious [peace]. Whereof it may please your gracious hyghnes of your frequent and accustomable benivolence [etc. etc.].

(*Ibid.*, Bundle 25, No. 88.) In his answer the said Rauff Leycester denies the riot etc., and says that one John Chesforth (*also called* Cresforth), a tenant of his, told him he had seen a male deer passing over part of the land of inheritance of this defendand in Moberley; and, having in his company Oliver Cragge, Hugh Porter and Thomas Bent, he went peaceably to chase the said deer with their hounds and greyhounds, without in any wise hurting the said John Brereton [etc. etc.]. [*No date.*]

BULKELEY *v.* HOLT

Re MANOR OF CHEADLE, CO. CHESTER

(S.C.P., Henry VIII, Vol. vii., fol. 23)

To the kyng our sovereign lord and the lordis of his most honorable Counsell. In most humble wise shoyth your dayly orator Rouland Bulkeley, esquier, that wheras he is sesyd of the manor of Chedull in the countie of Chester, wherof he and his auncestors by the space of 200 yeris and more have ever ben pesibly possessyd, now of late, as your orator attendid upon your Grace and your seid Counsell for the busynes between hym and Sir Rouland Veleville, knyght, which was aboute the fest of the Natyvyte of our Lady last past, one Edward Holte, Hugh Honford, William Hamson, Rauff Chollerton and James Harryson, clerk, wardens and proctors of the parische church of Chollerton in your countie of Lancaster, of ther malycious mynde, without eny maner title or just cause, procured certen evil disposid persons to the nombre of 12 by nyght tyme in riotous maner to enter into the seid maner of Chedull, and ther riotously and wrongfully toke away 40 thrave of ootis of the goodes of your orator and his poore tenantes. And the seid churchwardens and proctors conceyll the namys of the seid malefactors so secretly that your orator can have no knowlege of them; and they deily manasse your orator and his tenauntes that by nyght tyme they will come and dryve away all the catell within the seid maner, and to doo them further displesure, whiche is bothe to the

grett trouble and unquyetnes of your suppliant and his tenauntes and to the perilous ensample of all lyke offenders [etc. etc.].

Order made to summon the parties. [No dates.]

BUTTON *v.* BRERETON

UNLAWFUL IMPRISONMENT IN CHESHIRE

(S.C.P., Henry VIII, Vol. vii., fols. 182-186)

To the Kyng our soverayne lord. In most humble wise compleyneth your feithfull servante Peerse Button of Hatton, squyer, in your countie of Chester, that wher Randulf Brereton, knyght, chamberlyn of your said countie, for grett malyce and evill wyll that he berith unto your seid servante, compellyd him by power and colour of his office to fynde suertie for the pese the 20th yere [1504-5] of the reigne of that nobill and famyors kyng your father before hym in the Exchequer of Chester ayent one John Codyngton, who nother made affidavit nor desyered any suche sewertie, and so hath seyde and reported hym selff opynly in the seid Eschequor before dyvers, when he relested the seyde peese ayenst your seid servante; the seyde chamberleyn hath also of his extort power made a writte of *sub pena* ayenst the compleynant, and compelled hym to fynde sewertie to the abbot of St. Werborough, his tenantes and servantes, and wolde not suffer hym to have lyke sewertie ayenst them; and then for that cause of his p'pialite [*sic*] and of none indifferent justice nor goode order, but of creweltie, kepte your servante in prison purposely within the castell by the space of 3 wekes, furthermore intendyng to have kepte hym there from his pouer howse and neighbors all cristmas next folowyng. And wher the seid abbot was sent for by *sub pena* to appere in the seid Eschequor at a certeyn day unknowen to the seid Peerse, the same Peerse desired in the open courte for the kynges avauntage and for declaracion of a byll then and theyer leyd ayenst the seid abbot to knowe the day of his apparence; but the seyde chamberleyn and his deputies ther in no wyse wolde tell hym, but by craftye menys and for malice he caused his seid deputies, to convey the seyde abbot in the seyde castell secretly be nyght, because the seid Peerse being then prisoner ther and in his bed, schuld not come and ley for the kyng and hymselff ayenst the abbot; for whiche favour the deputiez had of the abbot 6s. 8d. for a rewarde. And also about Candylmas after, upon the aparence of your servante for the sewertie aforesayd, the chamberleyn kepte him in the castell the space of a moneth and more, unto suche tyme as he was discharged by the late kynges commysioners, notwithstanding that he divers tymes

had in commandement by the kynges honorabill lettors to him directed to mynyster justice indifferently to your servante, whiche he att all tymes disobeyd. And also wher the said Peerse by speciall desyre of the seyd chamberleyn and the whole cedy of the shire labored to that nobyll kyng your father late desesed for the comyn chartur and pardenes of the seyd countie, and therapon the same hole countie was generally assessyd to paye unto the seyd nobill kyng 3000 markes and also the costes of them that labored for the same charter, and by cause it was then in dowte among them whether dyvers that had londes within the seyd countie and ware not inhabitante in the same schuld be contributory, and theruppon dyvers commysioners in the countrey ther were apoynted by the seyd kyng to assisse the same indifferently, and the[y] assessed that dyvers gentylmen to bere yff nede were to the seyd charge for ther londes, wherof the seyd chamberleyn hath leved as well the seyd hole sume assessed apon the seyd gentilmen inhabitauntes as partie of the porcions of the seyd forens apon ther londes assessid,¹ and the overplus therof ys dewe to the kyng that nowe ys, but the chamberleyn kepith it in his owne handes to his own use, of the which your servante hath payed 4 markes hym selff. Howbeit he is yett behynd for all his costes about the sewit of the seid chartur to 20 marke and above. And above and over that, the seyd chamberleyn of his covetious mynde hath taken of dyvers neyghburs and lovers of your servante for the making of ther particuler pardons 7s. or a nobill apece, wher he ought to have hadd but 4s. of right. Moreover, wher one Richard Dawne, squier, was bounden by recognysans in your Eschequor in £500 to kepe the peese for him and his tenantes ayenst your servante, his tenantes and servantes, so it was that one Wylliam Dawne, brother to the seid Richard, with William Cosley and Rauff Eton, tenantes to the seyd Richard, with dyvers other to the nombre of 20 made asaute and afraye apon oon Willyam Flecher, your servantes tenante, and ther wolde have morderid hym in his howse, and at the laste they hadde hym owte of his howse and kutte of oon of his erys, and further evyll intretid hym, as more playnly may apere by the bylles of compleynt put unto your Grace for the same, by reason wherof the seyd recognysauns was forfytt; the same chamberleyn dyvers tymes hath had in comandement to make processe for the same, which in no wyse he wyll do, to the losse of the kyng and contrary to the lawe and justice, but always the most extremyte that he can do fynd or imagen ayenst your servante, and furthermore procurith other ayent hym to thentent to were and inpovertise hym. In consideracyon wherof [etc. etc.].

¹ The wording is confused.

BROWNE *v.* MASSY

ASSAULT AT BURTON, CO. CHESTER, &c.

(S.C.P., Henry VIII, Vol. vii., fol. 210)

To the most reverent Fader in God Tomas, Lord Cardynall Legate a latere, Archebisshop of York and Chaunceler of Englonde. In most piteous wise complaynyng shewen unto your gracious lordship your pore oratours Thomas Browne thelder of Burton, co. Chester, yeoman, and Thomas Browne the yonger, his son, that where one Thomas Massy, steward of Burton aforesaid, without any cause reasonable but only of his cruell and uncharitable mynde, the Sonday next after the feast of St. Antony 11 Henry VIII [1519-20], sent one John Massy, his son, and John Massy, his bastard brother, and diverse other evill disposid and ryotous persones to the nombre of twelve, with swordes, bokelers, daggers and other wepons defensible unto the parisshe chirche of Burton, whereas your oratours and divers others of the said parisshe were then heryng Goddes divine service, whiche persons did in most shamefullest and cruellest maner pulle out from the chirche the said Thomas Browne the yonger, and lykewise Ellyn, wife of Thomas Browne thelder, and there dyd rent and breke her kercheffes and other apparell, and there wolde have murdered and slayne them with their daggers, of the parisshe then being ther present had not rescued them. For this mysdemenor they were afterward bounden by recognisaunce in thescheker of Chester in £40 to kepe the peas ayenst the said Thomas Browne, thelder, his wife, children, tenants and servantes; which peas they have not kepte, as is evidently knowen. And when the *scire facias* shuld have bene sued out ayenst them the said Thomas Massy caused Sir William Stanley, knight, and Richard Gosneus, squyer, to take the mater into their handes, who have not as yet yelden eny awarde theryn unto the said parties, by reason wherof the execucion is stopped. And wher the said Thomas Browne the yonger toke to ferme of one Richard Tomson and John Tomson, his brother, a certeyn tenement and londes for the terme of 4 years, and was therof put in pesible possession, for whiche he paide parte of his innecom, the said Thomas Massy of his extorte power hath expulsed and put him oute of the same ferme, and convertith the profittes therof to his owne propre use. Of whiche injuries and extorsions your suppliauntes have before this time exhibited a bille of compleynt ayenst the said Thomas Massy and the others before the lordes of the kynges most honorable conseile at Westminster, obteyning the kynges writte of *sub pena* ayenst them, all which notwithstanding

the said Thomas Massy by his sinistre labor and crafty meanes caused your besechers to be sent for to Salesbury before the lordes there, and which tyme an order and direccion was taken . . . [by] the same lordes betwene the parties, which the said Massy in no poynte therof on his behalf hath observed ne kepte. And thus your oratours are delaied and can have no redresse, but ar like by reason of their pouerte to be utterly undone . . . [without] your most gracious favor and pitee to theym tenderly be shewed in this behalf. Wherefore they beg writs summoning the defendants to make answer before the king and his council. (Endorsed with an order to summon the defendants accordingly.)

BIRKENHEAD *v.* IRELAND

Re LAND &C. AT MOULDSWORTH, CO. CHESTER

(S.C.P., Henry VIII, Vol. vii., fol. 223)

The rejoinder of George Ireland, Edward Walker and John Wyllyamson to the replication of Rychard Byrkinhed. The defendants rejoin as in their severall aunsweres they have saide, and deny that the complainant was seased of the meadowes, and toke the profittes therof, as he claims, or that George Ireland boughte of Thomas Manley of Peterborroghe all his tytle thereto, or at the tyme of the cutting down of the grasse dyd only make his clayme to the same and to other landes etc. in Moldworthe, or dyd sende Rauffe Woodfent, Rychard Edge and John Pyckren to cutte downe the said grasse, every one of them havinge with them a greate staffe over and besydes his sythe, or dyd sende John Woodwarde, Ranulphe Maynwarynge, Wyllyam Platte, Thomas Manley the yonger, Griffyth Walleys, Thomas Tapple of Moldeworthe, and Thomas Arrysman,¹ with bowes and arrowes, staves, swoordes and buckes [*sic*] unlawfully to ayde them; or that the said Edmonde Walker, Myddleton and Wyllyamson be knowen to be hardy and desperat men, or that they dyd dryve out in warlike maner from the same meadowes throgh the towne of Moldeworthe, to the great terror of all the inhabitaunces there, and so alonge to Norleyghe, being distant fower myles and more, and so shorte of the mansion howse of the saide Ireland one longe myle and more; or that they solde thre lodes of hay to Rychard Percyvall as is alledged; or that they were ayded by Hugh Strinker, Robert Caldwell and others [etc.]. [*No dates.*]

¹ Later called Aryssemonde and Ryssemonde.

BYRON *v.* DAVENPORT

TURF AT WERNETH MOOR, CO. CHESTER

(S.C.P., Henry VIII, Vol. vii., fol. 224)

To the kyng our soveraygne Lorde. Compleyneth unto your highnes your humble supplyant Sir John Byron, knyght, that wher he is seased of thre meases and 400 acres of land etc. in Warneth, co. Chester, and he and his auncestours, and their farmers and tenantes therof, have tyme oute of mynde quietly enjoyed not only comon of pasture sauns number wythin a moore there called Warneth moore, but also a comon of turbary to the premises belongyng wythin the seyd moore, nowe of late, about 31 July 37 Henry VIII [1545], one Edward Assheton of Warneth, husbondman, Charlys Gee, laborer, Wyllyam Assheton, husbandman, Robert Assheton, husbondman, Henry Gee, Reynold Gee and John Rydyche, laborers, all of Warneth, Thomas Sydebotham, husbandman, and Arnold Haryson, both of Romeley, and other to the nombre of 16 persons, by the comandment of John Davynporte of Henbery, esquier, with force and armes ryotously toke and caried away 40 lodes of turves, which your seyd supplyant and Thomas Benytson, Robert Wylde and Nicholas Benytson, his tenantes and fermers, hadde caused to be dygged in Warneth moore aforeseyd at their owne proper costes and charges for their necessary fyarbote, and the same dothe wrongfully and forcibly kepe. In con-syderacion wherof [etc. etc.].

CARRINGTON *v.* DAVENPORT

MOSS AT HATTERSLEY, CO. CHESTER

(S.C.P., Henry VIII, Vol. viii., fol. 185)

To the kyng our soveraygne Lorde. In most humble wise compleynyng sheweth your feithfull subject John Caryngton, esquier, that where he is lawfully seased of oon parcell of mosse called Warnellow in Hattersley, co. Chester, now of late, to witt, the 14th daye of Maye last past Thomas Davenport, William Davenport, Nicholas Meller, Thomas Assheton, John Assheton, William Sidebothom, Honken Thornele, Nicholas Rodes, Arnolde Henryson, Thomas Higham, John Thornele, William Beneson, John Gee, John Hopwodde, George Hopwodde and other malefactors and perturbators of your most gracious pease to the nnumber of 40 persons, being arayed after the maner

of warr, with bowes, arrowes, billes, spades, shovels [etc.], and other wepons and abilymentes of warre as well defensyve as invasyve, in ryotous maner at about 9 of the klokke of the afternone of the same daye, assembled together at Hatersley and there ryotously entered into the seyd mosse, and the torves of your seid orator then beyng dolven and gotten dyd cutt and breake asondre, and great parte of the seid mosse did delve and cutt and subvert, the great damage of your aratour and most perillous example of such lyke offenders hereafter onles due reformation for punysshement hereof be by your highnes herein spedely providet. In consyderacion whereof [etc. etc.].

STANDISH *v.* STARKEY

ARTICLES AGAINST LAURENCE STARKEY

(S.C.P., Henry VIII, Vol. viii., fol. 195)

To my Lorde Cardinalis Grace. Furste the saide Laurence haith made retourne into the kynges Exchequer of 14 or 15 of the collectors of Lancashire to be dede, which were at the day of the retourne making on lyve, and haith receyvyd of them their colleccions, as of sume of them £18, of sume £16, sume more, sume lesse, to the sume of £140 or £160 in deceyving the kynges Grace of his dutie, and also to the grete hinderaunce and sclaunder of the said collectors and prejudice and hurte of all the cuntre. Item he haith forgett evydence within Lancashire of dyvers as Edward Parkar and other.

Where he haith sett and taken dyvers fynes of the kynges tenautes for to admytt them tenautes, yett after the said admyssions made he haith impanellyd dyvers inquestes and made inquire of the tenaunt right for mede, and taken for the said inquisicions grete summes of money to the grete impourishment of the kynges tenautes.

He doth occupie certeyn grounde of the kynges called Whermore Parke and the oute wardes of the same by the space of 12 yeres and more, and haith taken the woods there at his plesure to sell, gif and to buyld withall, and takes the kingis game there ne servis the kingis warraunt but at his plesure, and where there was too fare loges in the parke the said Sterkey haith takyn the oon downe clene away, and takyn the stone and tymber therof and disposyd it at his plesure.

Where Sir James Molyneux, clerk, master of the kynges warkes at Lā . . .¹ brent a lyne kynle for the reparation of the

¹ This does not *look* as if meant for Lancaster; it appears to be Lāsc . . .

castell there, the said Sterkey hath taken the moost parte of the same lyme.

Where it was apointyd that all other sherefes within the realme shulde be sworne to make trew and indeferent panellis, preceptys and returnys, the said Sterkey was not sworne, but ordered hymself in his office of undersherewyk to the kynges grace and his subjectz much wars than he dyd in tyme of the kynges days that ded is, at whiche tyme for his deceytfull and colorable demeanor he was clerely dischargid of the office of undersherefe and never ocupied the said office durying the life of the said kyng.

For his said crafty demeanor Sir Alexander Ratclif and Sir William Leyland, knyghtes, Thurstan Tilsley and others made dyvers complaintes, but, for fere that his craft and subtilite shuld be espied, he founde the meanes to stoppe them, to the hinder-aunce of all the cuntre.

Where he had in his keping the kynges recordes, he hath for mede and favor enbesellyd and put away the same, to the undoyng of divers persones. Where on Thomas Kendall ocupied a farme besides Lancaster, the said Sterkey of his malicious mynde send Robert Parkar and John Hake and other of his servantes upon the nyght, with boos, long boos and billis, and there shote at the wif of the said Kendall and at her servantes, and slewe there thre of his horssys and meres, and with force kepes the saide ferme to the undoyng of the said Kendall, as the Jugz can reporte unto your grace.

Where your orator John Standisshe hath ocupied an office callyd the baillywyk [of] Lunesdale by gift of the late Erle of Darbie by the space of 12 or 13 yeres, the said Sterky hath not only by his craft put your said orator from his office, but also causyd the Lord Montegle to put hym in prison by the space of two monethes and more. Whereof plesith your grace for the love of justice to examine or to depute such commissioners within Lancashire as may justely certify your Grace of the premises. [*No date.*]

CANSFIELD *v.* STARKEY

DISPOSSESSION OF PLAINTIFF

(S.C.P., Henry VIII, Vol. viii., fol. 196)

In the fyrst [place] the said Thomas Councefeld doth com-
pline that wher he was seassed in a tenement besides Lancaster
in Skerton called the Scalle, after the maner and custom in the
cuntre of tenanderyght, Laurence Starky, of his extort power

and myght, with force entred therin, and hym, his wife and cheldren expulsed, takyng from the said Thomas his inseyght of beddyng and hangynges of one chamer of grine say with other thynges to the valoo of 40 marks, and 36 hede of cattell to the valoo of £20, 2 geldinges price of £10, 3 marys price £3, corne as myche as growhed upon 56 acre of lond to the valoo of £40; also on crosse of golde the wiche was aboute his wyfe nek unto the valoo of 20s. He hath also putowt the seid Thomas of one teyth berne in Bare wyche his holders hath had a hundreth yerys, as ys well knowne in the contre. [*No date.*]

CHARLTON *v.* HUNT

Re "TOLLERSHIP" OF MANCHESTER

(S.C.P., Henry VIII, Vol. viii., fol. 237)

To the king our soverayn lorde. Petously compleynith Nicholas Charleton of your countie of Lancaster that, where he holdeth of the grant of Sir Thomas West, knyght, Lord de la Warre and . . . [?] [Kyngeswell, the office of tollership of Mancestre, oon Richard Hunte and other persones to the nombre of 12, arrayed in warrely maner the So[nday after?] Lady Day in Lent last part in riotus maner keped out your said suppliaunt out of his office, and wolle not suffre him to occupie the same according to his graunte. Wherefore [etc.]. [*No date.*]

CHESHIRE *v.* TIPPING

RIGHT OF WAY AT ASHTON ON MERSEY

(S.C.P., Henry VIII, Vol. viii., fol. 258)

To the kyng his most royall magesty. In most humble wise compleyneth Robert Chesshire that, where he was tenant to John Caryngton of Caryngton, co. Chester, esquier, for a terme of yeres of one mesuage and lande in Assheton upon Mersey, the said John Caryngton and his auncestors having bene lawfully seased therof sythen the tyme before mans remembraunce, and all who have possessed the same having always used a way through a close in Assheton called the Rache for the caryage of fyrne or donge to certen parcelles called Slaghall Heide and the Hengyng Scholesse without eny lett, now on the 2nd day of Maye in this 35th yere [1543] of your regyn, the seid complaynant soo goyng with his cart so laden, Hughe Typyng, clerke, parson

of Assheton, Robert Coppock and Jamys Hyne, accompanied with 8 other persons, did unlawfully stoppe your subgyet of his said passage through the Rache, and with extreme manasses did compelle him to goo backe. Wherefore [etc.].

(*Ibid.*, fol. 259.) Hyne in his answer says that Typpying is seised of the Rache, which has always been enclosed with "quyk hegge and sette." The said hedge was broken down, and Typpying commanded Hyne and Coppock, his hired servants, to ditch and amend the same, which, taking with them their spades and shovels, in God's peace and the King's, they went to do, without that they stopped the complainant, or that there is a right of way etc. The other defendants make like answers (fols. 260 and 261).

(*Ibid.*, fol. 262.) Writ (21 Nov. 35 Hen. VIII) to . . . Fytton, knight, and Richard Leigh, esq., to take the answer of the said Typpying, he being too feeble to attend at Westminster.

The replication of Cheshire (*ibid.*) is a mere re-assertion.

CITY OF CHESTER

ELECTION OF AN INTERIM MAYOR OF CHESTER

(S.C.P., Henry VIII, Vol. viii., fol. 263)

Warrant (*signed* Thomas Wriothesley Cancel', W. Seint John, W. Essex, Will'm Petre, John Baker) to the citizens of Chester concerning the election of a mayor.

Whereas, by the death of William Holcrofte, late mayor, the office will otherwise remain void till the election day appointed under the charter of 21 Henry VII (the Friday after the Feast of St. Dennis), whereby there might grow great peril and danger, as well to the king's highness and his realm for lack of a good minister in these parts, to direct the things addressed to him on behalf of his Highness touching his great affairs towards his realm of Ireland and the north west parts of this his realm, as also the manifold damages and oppression that might ensue unto his subjects in the said city for lack of due ministration of justice within the said city, it is therefore decreed by the king's most prudent, discreet and honourable council that on the 12th of June next the citizens shall repair to their common hall and there name two of the 24 aldermen, who have not been chosen mayor or sheriff by the space of 3 years next before, of which two so chosen the greater part of the aldermen and sheriffs then present shall ordain one to be mayor. If in their election it cometh to an equality of voices, the voice of the eldest alderman present shall be taken for two voices.

Which mayor so elected shall receive his oath and charge from the said eldest alderman, and shall continue as mayor till the time of the next election under the charter.

CHOLMONDELEY *v.* ORMSHAW

TRESPASS OF CATTLE AT ACTON, CO. CHESTER

(S.C.P., Henry VIII, Vol. viii., fol. 274)

To the kynge owre sovereyn lorde. Sheweth Richerd Cholmeley of Cholmeley, co. Chester, esquier, that whereas he holds by assignment a lease of 240 acres of pasture etc. in Acton in the said county, granted by John, Abbot of Combermere, to Sir Roger Cholmeley, knight, for 21 years from Michaelmas 27 Hen. VIII on 20th Sept. in that year one Richard Ormeshawe, clerk, of his extort might and power, hath putten upon the landes a grett nombre of his catell and bestes, and felled the woodes. And by cause your orator shold not expell his bestes he hath hyred ryottes persons forsbly to kepe them on the lande. Your orator standeth bounde by severall recongnisaunces before the Justices of Chester for the keypyng of your peace, upon untrewre surmyses made unto your sayd Justices, wherefore if he should attempt to expell the said bestes, he would stande in daunger to be endyted, by reason that the sheryff byreth hym no good will, by reson whereof he could also have no yndifferent trial ther. Wherefore [etc.].

Writ (5 July 28 Henry VIII [1536]) to Edward Mynshull and William Wilbram, esquiers, Richard Hassaull, gent., and John Woodewarde, clerk, to examine the matter of the said petition, calling the parties and witnesses before them, and to determine it finally if they can.

(*Ibid.*, fol. 273.) Depositions taken at Hurleston, 22 . . . [torn] on behalf of Richard . . . [torn] before John Woodward, clerk, warden of the college of Bunbury, Edward Mynshull and Richard Hassall.

David Manning of Cholmley, yeoman, aged 78, says that Sir Hugh Penkston, priest, and James Croxton about Michaelmas last came to the pastures in question, and took possession thereof in the name of Richard Cholmley. They found there divers beasts of the vicar's, which they drove out. Since then the vicar has put his beasts and 'capuls' into the said pastures, and occupieth the same.

James Croxton of Cholmley, husbandman, aged 60, makes a like statement.

CLARK *v.* DALE*Re* LAND AT PRESTBURY, CO. CHESTER

(S.C.P., Henry VIII, Vol. x., fol. 11)

To the kyng our sovereygn lorde. Complayneth James Clerk, yoman, son of Reynold Clerk, and Reynold Clerk, yoman, son of Edward Clerk, that, where they did exhibite a bill of complaynt unto the counsell of the right noble lady prynces ageynst one Oliver Fallowes and Peter Dale for wrongfull occupying of a tenement and pasture in Presbury, demised unto them (16 Feb. 19, Henry VIII [1527/8]) by George Lygh of Adlington, esquier, heretofore in the occupation of the father of the said James, with pastures called Daleghebrige in the lordship of Butley, excepting only a pasture in the occupation of one Richard Dale. They shewed the indenture of their lease before the counsell, and also a letter from Robert Norwych, then one of the kynges sergeantes at the lawe, testifying that he was present at the making of the same lease, whereupon they obtained a decree in their favour made at Beaudley 2 June 22 Henry VIII [1530]. It was agreed by mediacion of the counsell that Fallowes should occupy such parcelles as he had theretofore occupied as farmer to the playntifes till Martinmas cum twelvemonthys, paying to them his accustomed rentes, and the other defendant in like maner. But the defendauntes contemptuously refuse to obey the decree of the said counsell Wherefore [etc.].

(*Ibid.*, fol. 12.) The answer of Petre Dale acknowledges that the complainants exhibited a bill of complaint before the said lady princess' council at Ludlow for the occupation of the parcel of ground called Dalebryge; a day was given to Dale, when he made default, and came not, because one Agnes Morres, sister to the said James Clerk, priest, and by his procurement, took surety of the peace against the defendant to bind him in £40 to appear before the king's Justices at Westchester at the next county day there to be holden, which county day was the same as that prefixed by the council. By such policy and untruth the defendant was driven to make default; the commissioners, knowing nothing of the truth, made the decree as abovesaid. Before the Martinmas in the bill specified, he brought before the council substantial witnesses to prove that Thomas Leigh, father to the said George, made a lease of the premises to this defendant for a term of 20 years yet enduring, which was confirmed by George after his father's death. The defendant being but a poor man, is likely to be undone etc.

(*Ibid.*, fol. 13.) The complainants pray that, as Dale has confessed he has disobeyed the decree of the said council, he may receive condign punishment, etc. They deny all the allegations of the answer, and that James Clerk, priest, is "any of the complainants."

(*Ibid.*, fol. 13A.) Writ of privy seal, dated at Greenwich 30 January —, summoning the defendants to appear personally before the king and council at Westminster.

CLARK *v.* THE ABBOT OF ST. WERBURGH

DISPOSSESSION OF PLAINTIFF

(S.C.P., Henry VIII, Vol. x., fol. 28)

To . . . Thomas . . . Archbisshop of Yorke and Chaunceler of England. Humbly complayneth your poor bedewoman Margery Clerke, late the wyff of William Clerke within the countie of Cheshire, that, whereas her late husbond and his auncestours for longe yeres peasily occupied a tenement in the parishe of St. Werburge, at the wyll of the abbot of St. Werburge in Westchester, according to the auneynt custome in that countre used, and a yerely rent of 40s., oon John, late abbot, withowght any maner of forfett or other cause resonable, abowght the 8th yere [1516/1517] of the now kyng, sent dyvers his servantes to the said tenement and put owght of the same your oratrix, her late husbond and fyve smale childerne in the coldest tyme of wynter, soo that they were compellyd of necessite to goo to their parisshe church, and there contynewed by the space of three wekys for lak of a howse to lye in, untill the abbot of his farther malyce commaundyd the vycare of the church to put them owght of the same. The said servantes also seized all the farme stocke, and all the houshold stuffe they founde within the said howse they cast out at the dores into a great pond of water, so that it was utterly destroyed; by reson of which troubyll her said husbond for penceffnes and thowght fell into such disease and sekenes that he shortly departyd this world. Your oratrix hath dyvers tymes heretofore compleyned unto your highnes, and your grace hath directed severall comyssions to serten gentylman to examine heer and determyne according to the tenour of their comyssions, neverthesse the said abbot by his senestre labour hath delayed and prolonged tyme, so that the said comyssioners in no wyse cowde make any ende. And now of late the said abbot hath resynyd his abbathey, and another is theer elect, to whom your oratrix hath made peticyon, but he refuseth redress, except he be compellyd thereunto by order of

the kynges lawe, which your bedewoman is nott of abylytie nor power to pursue ayenst hym, she being a poore woman and he a gret lorde in thoos parties in honor and dyngnyte. Wherefore [etc. etc.].

COOKSON *v.* MOLYNEUX

Re A CLAIM FOR MORTUARIES &C. IN SEFTON, CO. LANC.

(S.C.P., Henry VIII, Vol. x., fol. 85)

To my Lord Cardinales good grace. Humbly complayneth John Cokeson of Werrington, co. Lancaster, that oone Sir Edward Moleneux, clerk, about 5 Henry VIII [1513/4] with force of armys entered into a certen mere and land in Littell Crosby, which the complaynant hath in leese of one Nicholas Blundell, squyer; and caused his servants to kyll a fat oxe of the complaynantes, value 53s. 4d. And in 6 Henry VIII he caused his servantes to lye in the kinges high way to take 38 bestes of the complaynant 2 myles from his fermehold, in a lordship called Sefton, as he was goyng to a markett called Wyggyn; and there pounded them by the space of a moneth, untill five of them were dede and famessed for hunger and colde, and the rest of them fameshyd, loste and spoyld. The said Edward would no wise suffre a replevy, but compellyd the complaynant to pay hym 40s. in redy money, and to give him a bonde that he shuld not complayne ne sue the lawe under forfeiture of 20s. more.

(*Ibid.*, fol. 83.) The defendant says he is parson of Sefton, and the complainant occupied in farm a certain messuage and land there, to which his wife and family then had resort. About seven years since the complainant's wife died, and the ox in question was peaceably delivered by some of the family to the defendant's deputy as her mortuary. As to the taking of the 40s. etc., he says Cokeson was indebted in £3 to himself and one Bryan Morecroft, as feoffers of certain lands he occupied, and by mediation of the complainant's friends, it was agreed Cokeson should pay 40s. thereof, and be released from payment of the remaining 20s. About 5 or 6 years since the said Cokeson's lease expired, whereupon the defendant became entitled to the freehold, and has not suffered him to occupy the same, as lawful was for him to do.

(*Ibid.*, fol. 84.) The complainant replies that Molyneux claims a mortuary for the occupation of certain land in Sefton, without alleging that she died in that parish; nor is there any custom there that a woman covert should pay any mortuary, especially one that died not in Sefton, but in Werryngton, a distance of 16 miles [etc.].

CRESWELL *v.* WETTENALL*Re* PROPERTY AT LIGHTWOOD, CO. CHESTER

(S.C.P., Henry VIII, Vol. xi., fol. 35)

To the kyng ouer soveraigne lorde. Showith Persevall Creswell that, wher the late abbot of Combermere demised a tenement in Lyghtwode in the lordship of Wylkesley, co. Chester, unto Randall Wetnall and Alice, his wyfe, for their lives, the said Alice died, and Randall after toke to wyfe one Margaret. The abbot then dyed and was succeeded by the present abbot John, who, on Randall's death, by indenture dated 1st July 27 Henry VIII [1535] demised the tenement to the complaynant for 41 years at a rent of £3, 3s. 4d. But the said Margaret without colour or tyle, by the mayntenance and supportation of William Jenkynson and Robert Nedam, gat possession of the premises, and ever sythen the dethe of the said Wetnall, which is by the space of half a yere, hath forcibly kepte the same [etc.]. Wherefore [etc.].

CURWEN *v.* CONINGSBYA DISPUTED FINE OF PART OF THE MANOR OF POULTON,
CO. LANC.(S.C.P., Henry VIII, Vol. xi., fol. 104)¹

To the kinge our soveraign lorde. Sheweth your orators Gyles Curwen and Agnes his wife, late wife of Richard Belingeham, and daughter and heir of John Berbron, co. Lancaster, gentilman, both deceased. The said Agnes, being heire of her fader of a thirde parte of the manor of Pulton, toke to husbond the said Belyngeham; and one Humfrey Conyngesby, oon of the Justices of the Kinges Bench and also of the said countie palatyne, and oon Sir Robert Belingeham, knyght, whiche hath married the doughter of Anne, wife of the said Humfrey, by covyne betwene them, forasmoche as the said Richard, broder of Sir Robert, was lyke to dye and hadde noon issue with your seid oratrice, unjustly caused a recorde to be made in your recordes at Lancaster whereby it shuld appere that your oratrice and the said Richard in Lent 23 Henry VII levied a fyne before the said Conyngesby and oon John Kyngesmill, acknowlegyng the premises to be the ryght of Henry Kirkeby, squier, and George Knipe, who re-settled the same on the said Richard and Anne in tail with contingent remainder to the right heires of the said

¹ These proceedings have been greatly abbreviated.

Richard. Your oratrice was then a child, being but 13 yerres of age. Of this supposed fyne the said Agnes never had any knowlege by the space of 6 yerres. But after Richard's death, Sir Robert came to the said manor of Pulton and forcibly drove away the said Agnes's cattell (13 August 5 Henry VIII [1513]) into the countie of Westmoreland, to the dwelling place of the said Conyngesby called Kylllyngton. She made suytte to Conyngesby for return of the cattell and redress, but in vaine. And more than that, at the sessions holden at Lancaster in the 4th weke of Lent 6 Henry VIII, the said Conyngesby committed her to prison at Lancaster, where she remayned by a long space, so that her childe was born deyde and she in great perill of her life, to the most perilous example that hath bene seen within this realme of any Juge afore this tyme, onles your most gracious remedie be providet [etc.].

(*Ibid.*, fol. 105.) The declaration of the said Humphrey Conyngesbie, praying that the said Giles, "being in the furthest parts of your county palatine of Lancaster," and his wife be not suffered to depart, but ordered to find surety to attend upon your council, and to bring in here their abbetters and comforters of making of the said slanderous bill. He says that all the parties to the abovesaid fine came before him personally in 23 Henry VII; and, because it hath not been commonly used, that a woman would make the fee simple of her lands, for default of such issue as is specified in the said fine, to the heirs of her husband from her own heirs, the said Humphrey, after he had examined her apart according to law, showed unto her that he had seen but few women make such a remainder, and counselled her to depart for that time and speak with other her friends and take their advices, and then to come again and show him her full mind in that behalf. And so she and they departed, and on the morrow or second day after they all returned again, and she clearly affirmed her knowledge. But the defendant would not have the fine engrossed upon the said knowledge made apart out of court before himself only, but commanded them to come in open court and plain sessions, and there openly at the bar to make their knowledge in open court. And it was so done accordingly, and the fine entered and engrossed by a true and substantial officer of the court called Thomas Strey, being present at Westminster in the Common Pleas. The premises were thereby settled on the said Richard, so that he might sell the same, etc., and in no wise entailed on the said Sir Robert.

As to the committal of the said Curwen's wife to ward, he says that at the last sessions at Lancaster, the said Conyngesby and his fellow Bryan Palmes sitting as Justices on the bench in open sessions, she came afore all people, and with a loud and

open voice of great height seditiously said in English words oft and many times together : "Thou Conyngesby, thou art a false judge." And he bade her hold her peace, and spoke to Laurence Starkye, the under-sheriff, to cause her to hold her peace or else avoid the hall. But she continued to cry aloud, and Palmes ordered Starkye to take her out of the king's court and into the court of the castle ; and there she was but a little space of the same day, and then they let her depart. He prayeth that Starkye may be sent for to say how she was entreated in prison (which he knoweth not), and also Bryan Palmes, Richard Hesketh, Matthew Standishe, and such others as were then present. The said Humphrey says he never dwelt at Kyllington, nor ever received any cattle etc. there.

The complainants have done many things to their tenants contrary to the law, and actions have been brought against them before Conyngesby and his fellows, but they have never denied to do them justice etc.

(*Ibid.*, fols. 106-108.) The replication of the complainants. At the time of the levying of the supposed fine the said Agnes was so sick that her husband thought she would die, and he had her taken to Lancaster, pretending the change of air would do her good. She was conveyed thither in a horse litter, and brought into the chamber of the said Conyngesby on a Sunday in the morning ; and he, having a paper book in his hand, asked her if she would be content to give up her inheritance to the said Richard. She, for fear and great anguish of her sickness, began to weep apace ; and Conyngesby said : "My mistress, this is no weeping matter." And he advised her husband to send her away. Afterwards her husband gave the said Conyngesby a fair ambling horse of bay colour, for which 20 marks would have been given many times. And, as she intendeth to be saved, she says afore God she never assented to the said fine, nor came before the said Conyngesby in open court or elsewhere, until she was married to the said Curwen, which was about 3 years after her being at Lancaster. She never came before Kingsmill or any other except for redressing of her wrongs.

(*Ibid.*, fols. 109-111.) The rejoinder of the said Conyngesby, repeating the statements of his answer. At the time the said Agnes came before him, she appeared to be of full age and in no such sickness as in their replication is surmitted. After the said sessions the said Richard came to Conyngesby, being then a sergeant at law, and desired his advice about the conveyance to himself of divers lands in co. Westmoreland from his father and others, and gave him a little bay trotting horse (which he afterwards sold for 10s.) for his counsel and advice, and for no other cause. Since the time of her complaint, abiding

in the city of London and drawing to wild and wanton company as well in taverns, alehouses and other places, the said Agnes raiileth daily upon the defendant, calling him a false judge, with many other slanderous and seditious words. Appended are a copy of the engrossment of the fine and of the entry of the fee paid thereupon.

(*Ibid.*, fols. 112 & 113.) Interrogatories to be administered on behalf of the complainants.

(*Ibid.*, fol. 114.) The deposition of the defendant in answer to these interrogatories. He deposes as in his answer etc. Whether Curwen's wife was christened Agnes or Anne, he cannot say ; at the making of the fine she confessed to the name of Anne. At Kyllington is the dwelling place of Sir Christopher Pykeryng ; whether Sir Robert's servants drove the cattle there, he knoweth not.

(*Ibid.*, fol. 115.) Interrogatories to be administered to Robert Dicson, on behalf of the complainants, with his answers.

Upon one Sunday at night, on the green at Pulton in Lonsdale, he showed Gyles Curwen a "dish of tree," covered with paper, saying it was the King's privy seal, and showing him that he was Sir Roger Belingham's servant. Curwen desired him to go with him to Lancaster, saying he would go on the morrow. Dicson watched for him all day, but he came not out of his doors. When he showed him the privy seal, Curwen bade him stand back, and turned the sharp end of a bill towards him, but did not otherwise threaten him. He left the said writing on a bar at the gate at Pulton. As to his being examined about the delivery of the said writing in Lancaster church on All Saints' day last, he says that a man in a furred gown asked him about it that day at Lancaster, saying that he was forsworn before my lord Cardinal, for he had deposed that Curwen held him off with a bill. He was not then sworn on a book.

(*Ibid.*, fol. 116.) Interrogatories on behalf of the complainants administered to Dr. Standishe, minister of the Grey Friars, Edward Molyneux, clerk, William Chorley, Rauf Holme, Thomas Hulton, William Middleton, gentlemen, Richard Pole, gentleman and yeoman usher of the king's chamber, Thomas Standishe, Laurence Starky, William Sergeant, Richard Rose and James Atherton, gentlemen, touching the levying of the fine, etc. Also as to whether Conyngesby committed to prison at Lancaster Robert Washington, sergeant at arms, William Penyngton, esquier, and Nicholas Gardyner, gent., uncles to the said Giles and Agnes, for speaking in open court on their behalf in this matter. (The answers of the witnesses do not appear.)

(*Ibid.*, fol. 117.) A list of the witnesses abovesaid, adding that Hilton [*sic*] is of Grey's Inn, Middleton and Rose of Westmoreland.

(*Ibid.*, fols. 118–129.) Examination of witnesses on behalf of the defendant. § Thomas Stray says that Richard Hesketh was of counsel with the parties that knowledged the fine, whereupon it is entered of record *per Ricardum Hesketh warrantum*; such entry they be never wont to make but when the parties acknowledging the fine be present at the bar with their counsel. As he remembereth, one Edmundson, his clerk, entered it. As to variances between the parties, he says that Sir Robert Belingeham stands outlawed by process sued out before Master Conyngesby and his fellow Justice, but at the suit of which of the parties he remembereth not.

George Knyppe, clerk, remembers that after Master Conyngesby and the said Agnes departed from the window, she departed out of the chamber merrily and with good countenance. She fully consented to the levying of the fine.

Richard Hesketh of Grays Inn was counsel to the parties that levied the fine, but he cannot depose the particulars till he may resort to such bills of remembrance as he hath at Lancaster.

Matthew Standish has heard the prothonotary and others at Lancaster say that such a fine was levied. He knows Sir Robert was outlawed, because he was desired by Sir Robert to be of his counsel in reversing that outlawry.

Laurence Starkey says that Master Palmes committed the woman to ward, and she remained in the custody of the servants of Lord Mountegle, then high sheriff, and of the servants of the deponent, then under sheriff, for the space of a quarter of an hour, and was then let to bail by Master Palmes. Sir Robert was outlawed at the suit of one Gardiner.

Bryan Palmes, one of the king's Justices at Lancaster, states that besides the committal of Curwen's wife for the said slanderous words, she was committed on another occasion in open sessions for surety of peace asked against her by a person whose name he remembereth not, and she in like manner asked surety against the said person, who found it; and because she found no surety she was committed to ward to the sheriff in the Lent sessions of 6 Henry VIII or the preceding summer sessions. He and Conyngesby have never denied justice to the parties, but they advised them, for the quiet of themselves and the country, to put all matters to the arbitrament of friends.

Sir Roger Bellingham, father of the said Richard, says that in some of the writings Curwen's wife is named Anne, and in some Agnes; this he had of Robert Washington. He believes she feigned sickness, for she rode on horseback to Lancaster, not in a litter. By the report of Christopher Nicholson, who inquired at Pulton, where she was born, for her birth, she was born at Martinmas after the coming of King Henry VII.

Oliver Suthworth remembers, among witnesses to the fine, John Conyngsbye and Sir Robert Marshall.

Agnes, wife of Giles Curwen, says she was brought from Burnessyde to Pulton in a horse litter, and from Pulton she rode to Lancaster on horseback behind one of her husband's servants. It was like a little cart wherein she sat, and one Elizabeth Waryn with her. She never came into the sessions in her first husband's days. She was brought to Master Conyngesby's chamber in the castle early in the morning, before he was ready.

She came hither to complain by her husband's mind and her own, and not by the procuring of any others. Her husband brought her about 7 miles on her way from Pulton, and then departed from her, saying he would go and abide with his father at Wyrkyngton, or else at her own place at Pulton, till she came again. One Godmond, servant to Henry Godmond of Lancaster, came in company with her from Lancaster to Downeham, to an uncle's place of hers, and her uncle afterwards sent a servant of his with her to London, other company she had none. Her uncle counselled her, when she came to London to go to my lord Mounteagle, Master Parre and Master Starky, to take advice of them; and also sent a letter by her to Master Pole, sergeant of arms, desiring him and all other sergeants of arms with the king's grace to help her in her right. Master Treheron Drewe devised her bill of complaint by a copy that she brought out of the records from Lancaster.

DAUBENEY *v.* HOLDFORD .

Re LOSTOCK PARK, CO. CHESTER ETC.

(S.C.P., Henry VIII, Vol. xii., fol. 150)

To the kynges most honorable counceill. Shewith Anthonye Dawbney, gentilman, and Dame Elizabeth Holdeforde, his wyeff, that where a decree was made 3 February 21 Henry VIII [1529/30] in a suit depending betwene the complaynants and Sir John Holdeforde, knight, concerning the joynture of the seid Elizabeth, that Sir John shuld permytt them peacibly to occupy the lands etc. expressed in a dede of feoffment produced to the court, under payne of £100, now of late the said Sir John hath caused dyvers tenantes to deny payment of their rentes to the complainants, and hath pursued, in the said tenantes names, divers writs of *replegiarum* in the countie of Chester agaynst your suppliantes for taking distressez etc.

(*Ibid.*, fol. 151.) Sir John Holforde replies that it appears by

a deed recited in the said decree that Sir George Holford, knight, enfeofed Richard Bolde and others with tenements to the value of £20 yearly to the use of the said Elizabeth for life after the death of the said Sir George, now deceased. These premises the complainants have enjoyed without let or interruption. The allegations of the bill he denies.

(*Ibid.*, fol. 152.) The complainants state that the premises in which they have suffered disturbance are parcel of Elizabeth's jointure, which Holford in his rejoinder (*Ibid.*, fol. 153) again denies.

(*Ibid.*, Vol. xii., fol. 154.) To the kynge our sovereigne lorde. The complainant Anthony Daulbeney has married Elizabeth, sometime wife of Sir George Holford, knight, deceased, after whose death she was driven, by the unkind dealing of Sir John Holdford, knight, and George Holdford, esquire, sons of the said Sir George, to sue as well for the keeping of certain small children she had by the said Sir George as for her dower. Upon which suit she had a decree in the Star Chamber 11 February 20 Henry VIII [1528/9] the late Lord Cardinall and others then being present. After this decree the complainants intermarried, and they obtained a second decree 3 February following, given by Sir Thomas More, late Lord Chancellor, and others of the council, ordering the said Sir John and George to deliver up, by oversight of Sir William Brereton and others such household stuff of the said Sir George as they took by colour of a sequestration, etc. etc. Thereupon Sir John commenced a bill, and claimed heirlooms, and it was ordered on 9 May 22 Henry VIII [1530] that witnesses should be examined as to what should be heirlooms, the depositions to be delivered to the Lord Chief Justice and others, to make report what the law would therein. But Sir John and his brother still had possession of the goods, wherefore they went not about to come to any end. The complainants are also sore troubled by divers persons who take actions against him and his wife as executors to the said Sir George, whereas she has not obtained any part of his goods. Several orders have been made on behalf of the complainants. Sir John then claimed that a wood called Lostock Parke is no parcel of Elizabeth's jointure; a commission found it was parcel thereof. Sir John was subsequently ordered to pay the complainants £7, 6s. 8d., which he sold it for [etc.].

(*Ibid.*, fol. 158.) Sir John knows not whether Elizabeth were lawful wife of Sir George Holford or of Dawbney; she is dead; Dawbney has no title except such as was hers.

(*Ibid.*, fol. 159.) George Holford answers to the same effect.

(*Ibid.*, fol. 160.) Commission (12 July 23 Henry VIII [1531])

to John Dawn, Thomas Aston and Hugh Starkey, esquires, to make a valuation of Lostok Park.

(*Ibid.*, fol. 161.) The certificate of John Doune (signed Downe) and Thomas Aston.

They visited Lostok Park, in order to value the wood that had been felled, but it was all carried away; they examined witnesses as follows:

Humfrey Holforde of the Northewiche, aged 40, about Christmas 21 Henry VIII bought all the wood called Wichewode falleable in Lostok Parke from Sir John Holford for £7, 6s. 8d. Of this he caused 35 quarters to be made, each worth 5s. over the costs of cutting down and making the same, and the tithe-wood due. The "brusses" thereof to have been made in fagots or "kyddes" were worth 5s. and no more.

Olyver Wodde of Lostok, aged 44, says he and his fellows, Randull Starky, Rauf Stubbes, Rychard Wedur, Rychard Rommor (whose ages appear), John Horton, John Cokker and George Holford, cut down the wood. Laurence Coppok of Cudwurth, aged 54, and Thomas Hefghfeld of "Senekez," age 30, testify as to the wood felled since Sir George Holford's death.

DAWNE v. DUTTON

Re A MURDER IN CO. CHESTER

(S.C.P., Henry VIII, Vol. xii., fol. 165)

The answer of Perys Dutton to the complaynt of Richard Dawne. Before the time of the murder specified, and a good time after, the defendant was in ward in the castle of Chester under the strait keeping of the keeper there, without that that he caused Rauf Dutton to commit the said murder, or that he lay in wait to kill the said Hugh or any of the servants of the said Richard; but he was right heavy and sorry in his mind when he heard thereof; and without that that he received and comforted the offenders, or has since kept in his house in riotous manner 120 riotous persons, or sent any into divers parts of the country, so that the said Richard and his friends were afeared to come to markets or towns; but the cause why they are so afeared is that, when the said Perys appeared in the castle of Chester, in the exchequer there, upon a writ of *sub pena*, the said Richard with his adherents to the number of 140 persons assembled in the said town of Chester, there to have slain the said Perys, for which unlawful assembly they were indicted at Chester to the number of 120. He hath also a brother called William Dawne, which was a great captain and offender in the said riot, and lieth

out in the country as an outlaw, and will in no wise obey the king's laws, but liveth at his pleasure, to the utter undoing of divers of the king's liege people in those parts, and is borne, supported and maintained by the said Richard. [*No date.*]

THE EARL OF DERBY *v.* WHITNEY AND OTHERS

Re FOREST OF MACCLESFIELD, CO. CHESTER

(S.C.P., Henry VIII, Vol. xii., fo. 208)

To the Kinge our soveraigne lorde. In most humble wise compleyneth unto your excellent majestie your faythfull and obedient subject Edward, Erle of Derbye, that wheare he is seised in his demesne as of fee of and in the forest of Mackefeld in the countye of Chester, with all maner of franchyses and lybertyes thereunto belonging, and the same holdeth of your majestie in fee ferme; and wheare it is provyded by divers statutes of this realme that no man shall hunte unlawfully in any forest, free chase or parke, so it is that one John Whytney and John Frost of the countye of Stafford, being men of evill disposicion, accompanied with divers evill disposed persons to the number of 12, arrayed with daggers, bowes and arrowes, long pyked staves, swerdes and bucklers did assemble themselves in the said forest at a place called Bull greve water on Sondag before the Feast of the Purification last past, in the 4th yere [1512-13] of your Majesties reigne, and there did not only chase with grehoundes divers of your Majesties dere and royall game, but did also kill 2 hyndes and 2 calves and the same did carry away. And again, accompanied with Robert Weggewode and John Braddocke of the said countye of Stafford, and other evill disposed persons to the number of ten, on the Monday in Easter weeke folowyng they did at the same place kyll 2 hyndes and one knobbe. Wherefore etc.

(*Ibid.*, fol. 209.) The replication of John Wedgewode to the said bill of complaint, acknowledging he was guilty of the last offence, being ignorant of the danger and penalties provided by the laws of this realm for hunting in the forests, etc.

THE EARL OF DERBY *v.* BROUGH AND OTHERS

Re FOREST OF MACCLESFIELD, CO. CHESTER.

(S.C.P., Henry VIII, Vol. xii., fo. 204)

To the Kyng our soveraygne lord. Humbly shewyth Edward, Erle of Derby, that where he is lafully possessed of the offecez

of lewetenant kepyng and mayster of the gaume of your forest of Macclysfeeld in your cowntye of Chester, by your gracyouse lettres patentez unto hym thereof made, dyvers evyll disposed persons and common hunters and dystrews of your gaume theyr, that ys to say, one Robert Brough of Leyke, co. Stafford, yoman, Wylliam Brough, husbandman, Edmond Brough, husbandman, Henry Brereton and one John Bullok, with dyvers others to the nombre of 20 persons, in the sayd forest ryotoussly assembled the 17th Septembre in the 28th yere [1537] of your raygne, with swerdes and bucklers, bowez and arowez and grey howndes, and theyr hunted and kyllled oon deyr called a greyt stagge, contrary to your peas and to dyvers good statutes in such case provyded ; for which offence they be lawfully endyted before the Justyces of your seyde cownty ; but notwithstanding they do contynually goo abowte to dystrew your Grace's gaume in the seyde forest contrary to theyr fayth and alegyaunces. May it therefore pleas your highnes [etc. etc.].

DUTTON *v.* DUTTON

Re SEIZURE OF CHATTELS AT DUTTON, CO. CHESTER

(S.C.P., Henry VIII, Vol. xiii., fo. 173)

To the Kynges most royall Magesty. Humbly compleyneth your feythfull true subgyet Julyan Dutton, wydowe of Sir Piers Dutton, Knyght, that where after the death of her seid husband she was possessed as of her owne goodes and catall as well of oon chayne of [gold] of the value of £36 and above, and of oon bason and ewer of sylver of the value of £18, as also of the severall parcels of weyryng garments and apparell belonging to the body of your subgiet as are more partticularly expressed in the sedale to this bill annexed, havynge the same in her kepyng within the manor place and chyeff mancion howse of the seid Sir Piers called the hall of Dutton in Dutton, co. Chester, where she was then abydyng, so it is that Rauff Dutton, esquier, son of the seid Sir Piers, Rauff Monnyng the elder, Rauff Monnyng the younger, Richard Massye, Piers Dutton, Randolph Rutter, John Glasyer, Thomas Dutton and John Werberton, men of evyll dysposicion, nothyng dredyng God ne fearyng the daunger of your highnes lawes, havynge no maner of lawfull tittle or good color of tittle to the premisses, within very short tyme of the death of the seid Sir Pyers Dutton, *i.e.* the last daye of August in this present 37th yere [1545] of your reigne, accompanied with divers other riottous persons, perturbators of your peas, to the nombre of 30 persons and above, assembled in a great routt and conventicle at Dutton

to the great disquetyng and terror of your lovyng subgiettes dwellyng in those parties, and armed with [swords], bukelers, bylles and longe pyked staves, brake open the dores of your seid subgiettes chamber in the seid hall, and brast severall chestes, coffers and presses wherein the seid goodes were then loked and layd up, and wrongfully caried the same away to secrete places denomynate and appoynted by the said Rauff Dutton, who refuseth to delyver the same ageyn. Beyng a verey younge man gretly gyven to games and pastimes, and verey prodigall in excessyve expences, it is lyke he may in a short tyme utterly waste and consume these goodes. The seid riottous persons have left your subgyett no vestures to weyre upon her body savyng only oon gowne and oon kyrtle of verey course blake . . ., which she wore at the tyme they toke the goodes from her. Wherefore etc. etc.

(*Ibid.*, fol. 174.) The annexed schedule of goods: gowns, viz. of tawny velvett furred with blacke bowge; tawny velvett lyned with bokeram and turned up with blacke saten; blacke saten torned up with crymsen velvett; blacke damaske torned up with mynkys; blacke cloth lyned with tafata and torned up with tawny velvett; black cloth forred with powdered armyns; puke torned up with blacke velvett; two of chamlett torned up with tawny velvett, and one of rossels lyned with fryseads; 8 yardes of lynyng for a gowne of georgicane; kyrtylles of blacke saten, tawny saten, rossett saten, rossett damaske, blacke chamlett and blacke rossels; two scarlett petycotes; a mantell of cony forre graye; a scarlett cloke gardet with blacke velvett; a cloke of marble cloth with a hode of the same; 6 payre of hause; a nyght gowne of blacke chamlett forred with fyne graye and facet with foynes; a patled of blacke velvett with powdered armyns and a boton of fyne golde mannyled with a whyte rose; a bonett of velvett with a ryche garnese of sylkewomons worke, and a negge of perle and bedes of golde betwene and a frontlett of golde; a playne bonett with a negge of golde of goldsmythes worke and perle and a frontlett of tawny velvett with a nowche of gold and oon stone in the middest and perle and 3 great perles hangyng thereat; a frontlett of purpull velvett; 5 playne frontletts of velvett, a square of goldsmyths werke and perle; a square with 3 rowes of perle; a square of sylkewomons worke and sett with perle; a coveryng of tawny velvett for a sadell with all the harnes and bosses longyng to the same.

(*Ibid.*, fol. 175.) The answer of Raufe Dutton, esquier, and Raufe Manning the yonger. They say that the said Sir Piers on the 4th of April 32 Henry VIII gave the said chain of gold amongst other things to his said son Raufe for divers great causes and considerations, and towards the doing of certain great

charges to be done on behalf of the said Sir Piers by the said Raufe, by the name of all his goods and chattels movable and unmovable, quick and dead, personal and mixed. After the death of the said Sir Piers the said Raufe Mannynge, late servant to the said Sir Piers, was waiting upon the said Raufe Dutton in peaceable manner, and took in peaceable manner from the hands of the said Dame Julian, stepmother of the said Raufe Dutton, in the parlour of the hall of Dutton the said chain of gold and the said ewer and basin, and locked the same in a chest belonging to the said Raufe Dutton in another chamber there. The charges of the funeral of the said Sir Piers were £100 and about. In default of the key of the said chest, the said Raufe Dutton removed the lock, and did remove and doth detain the said bason and ewer in part recompense of these great charges so disbursed by him, with the assent of the said Dame Julian. As regards her wearing apparel in chests, which has come into the possession of the said Raufe Dutton, he has divers times tendered the same to her, but she has always refused to accept them, and they yet remain ready to be delivered to her as the court shall award.

(*Ibid.*, fol. 176.) The answer of Raufe Mannynge the elder. The defendant was one of the household servants of the late Sir Piers, after whose death he continued waiting upon the said Dame Julyan and Raufe Dutton, for the most of the household was kept together and not dispersed after Sir Piers' death. When the chain of gold was demanded by Raufe Dutton, this defendant advised Dame Julian to give it up to him; he saw her take it from a leathern bag in a little coffer, without that any riot was made etc. etc., as in the bill is surmised.

(*Ibid.*, fol. 177.) The answer of John Glasyer, another of the household servants of the said Sir Piers. He understands the goods belonged to the defendant Raufe Dutton under a deed of gift from his father; no riot, etc. was made.

DUTTON v. SAVAGE

Re MANOR OF DUTTON, CO. CHESTER ¹

(S.C.P., Henry VIII, Vol. xiii., fos. 178-181 and 183-186)

Bill filed by Sir Peres Dutton of Hatton, co. Chester, knight, showing that whereas John Bruyn, esquire, and others were seised to the use of the plaintiff of the manor of Dutton and of other manors and lands to him descended by just title of inheritance and otherwise, one John Bostok and William Groves, being of evil disposition, servants unto Sir John Savage, knight, and by com-

¹ See p. 115.

mandment of the said Sir John and of Richard Aston, esquire, came in the night of the 15th of January last past, in the complainant's absence, and entered into a certain house of the said manor called a day house, and kept possession of the same ; other armed persons have come and spoiled all the victuals and other stuff in the same, being under the keeping of a poor woman there, and have pulled down and brint the timber boards not only about the same house, but also about the pale of the garden belonging to the manor of Dutton. Moreover the same riotous persons assembled themselves together, armed with spears, pyke-forkes and other defencible weapons, and there by commandment of the said Sir John did rear up a pavilion. And on Monday after the Feast of St Hilary the same Sir John assembled a great number of the king's subjects, his servants, to the number of 200 persons and above, arrayed in harness, jacks and sallets, with bows, arrows, swords and bucklers, and the said Richard Aston, with certain other of the King's tenants of Whitley, whereof he hath the rule, and came into the lordship of Dutton to a place called Hiltley, and there abode the space of one half day, and made divers proclamations and monitions in the parish churches for the said unlawful assemblies and riots so to be made. And because Savage and Ashton and other their partetakers and associates be near kinsmen unto Sir Rondulph Brereton, knight, Chamberlain there, and unto Sir William Pole, knight, there sheriff, and the under sheriff of that county is servant, farmer and tenant unto the said Savage, and the said Sir Rondulph is grandfather unto one of their partetakers, the said Sir Rondulph, for the affection and favour he beareth unto them, by colour of his office and room hath bounden the complainant afore him in the King's Exchequer at Chester to keep the King's peace, for his self, his children, tenants and servants and partetakers to the said Sir John, his children, etc., in 1000 marks ; and hath likewise caused about 20 of them to be put under sureties particularly to keep the peace without any order of the law or affidavit. One other part of them, when they came into the Exchequer to their extreme costs and charges, the Chamberlain let go without bonds at his pleasure ; nevertheless he has caused divers processes to issue against them, under colour of which the under sheriff has broken into divers houses appertaining to the said manor of Dutton, and pulled out such persons as he found there, and further attached persons already bounden to the King's peace, and brought them into the castle of Chester, and the Chamberlain will in no wise let them out unless they be bounden to appear before him and to pay such fines as he shall assess. Upon open complaint made to them, the King's commissioners in those parts addressed the King's commandment to the Chamberlain to surcease such doings, but

in contempt of the same he still causes such attachments to be made etc. Please it your Grace, etc. etc.

Schedule of names of persons alleged to be concerned in the said riots:—John Bostok, William Groves, William Ayton, Edward Held, Robert Dodde, William Wrenche, Nicholas Middelton, George Gatcliffe, John Monnyng, John Burton, Henry Watte, Robert Astbroke, William Pikeryn, Godfrey Taillior, John Domylowe, William Madok, John Bostok of the Midelwiche, Richard Onesley, Sir William Kay, prest, Sir Thomas Chorleton, prest, — Hampton, Richard Wilkynson, William Coppok, Henry Stryngfelowe, Richard Cokeson, John Horton, Richard Fleccher, Robert Chalnor.

Sir John Savage, John Bostocke, William Groves, William Wrenche, George Gatcliff, John Monnyng and William Cay, clerk, answer that, as Dutton has made out no certain title to the said manor, his bill may be abated etc. As to riotous entry into the Deyhowse, they say that one John Dutton, son and heir of Sir Thomas Dutton, knight, died seised of the manor of Dutton, after whose death the manor ought to descend to the said Sir John Savage, as his cousin and one of his heirs, viz. son and heir of Anne Savage, daughter and heir of Elizabeth, sister and one of the heirs of the said John Dutton, and to Sir William Molyneux, knight, son of Anne Molyneux, another sister, Sir Thomas Southworth, knight, son of Isabel Southworth, another sister, Richard Cholmdeley, son and heir of Richard Cholmdeley, deceased, son of Eleanor, another sister, and to Margaret Vernon, another sister of the said John Dutton. The said Bostock and Groves entered the Deyhowse in peaceable manner, and peaceably kept possession of the same in the name of the said coparceners; there were no other persons beside these two. They did not pull down the house; but the said John Bostock and one John Hampton, who were there to keep possession of the same, having no house to lie in there, for their comfort set up a little tent, which was cut down by divers riotous persons; the other charges made in the bill they utterly deny.

Articles against Sir John Dutton, prest, nere kinsman to Peres Dutton, the which Sir John, if he be examined upon his oath, will confess or else commit perjury:—

First, the said Sir John conveyed the murderers that murdered Thomas Huchyns by the commandment of Peres Dutton from Cheshire to Oxfordshire and other shires, and thence back again to Cheshire. He also brought from the said Peres, being in the Fleet, great sums of money to the said murderers in Oxfordshire. He removed the murderers from the houses of Rauff Foulhurst and Sir Richard Foulter to places unknown, for dread they should have been taken and brought unto the King's laws. He can tell what persons in Cheshire have succoured the murderers,

as well with meat and drink as with money. Also what money the feoffees of the lands of Robert Massy have sent unto the same Robert since the murder was done, which feoffment was made to defraud the king of the profits of the same lands.

Depositions taken on behalf of Peres Dutton, to prove that he is lineally come of Hugh Dutton, son of Edmond Dutton and brother of Sir Peres Dutton of Dutton, knight.

William Rider, about the age of 100 years, says that Hugh Dutton of Moldisworth and Hugh Dutton of Hatton was one person and not divers. He never knew any other Hugh Dutton, which Hugh was son of Edmund etc., as above said. The said Sir Pierce granted Moldesworth to the said Hugh for term of his life for his preferment in marriage. The wife of the said Hugh was daughter to one Vernon, by whom Hugh had issue one John Dutton. Hugh dwelt at Moldisworth. The said John, during the time his father dwelt there, had issue Piers Dutton, who was eight years old when Hugh departed and went to dwell at Hatton during his life. John, whom this deponent knew well by the space of 40 years, took to wife Margaret, daughter of [Margaret *erased*] Adderton of Showbent; he dwelt at Moldesworth 7 or 8 years during the life of his father, and his said son was born there. By the King's commandment John Dutton first went from Moldisworth to Chester, to be one of the four squires to keep the gates about the time of Blore Heath; after his father was dead, he went from Chester to Hatton, and there abode until he died, having fetched his wife and goods from Moldisworth. The deponent's father was servant to Hugh Dutton about 40 years, and continued all his life to serve the said Hugh and John.

Rauf Sterky of Litle Moldeworth, aged 80, deposes to the same effect.

Hugh Worrall, aged 73, knoweth nothing of his own knowledge, but hath heard old men say that there was but one Hugh Dutton, as above. Lawrence Dutton of Dutton, esquire, lately deceased, said at the time of his death in the hearing of this deponent to Sir Pierce Dutton, now living, that he was next heir to the land, and desired him to be good to the tenants. He hath heard Margaret Vernon, widowe, daughter to Sir Thomas Dutton, say that Sir Pierce was right inheritor of the manor of Dutton, and that she and her sisters had no title but only to £40 a year, which words were spoken in the vicarage of Frodsham to this deponent, Hugh Genyn, Henry Byrchynhed and others. Lawrence Dutton, son of Richard Dutton, younger son of Sir Pierce, hath said to this deponent that the children of John Dutton, elder son of Sir Pierce, were not lawfully begotten, for that the said John married the wife of Maxwell, living the said Maxwell and not lawfully de-parted.

John Dutton, aged 60 years, says that when Lawrence Dutton, late deceased, lay in his death bed, John Bryne of Stapilforde, this deponent and others being present, this deponent heard the said Lawrence's wife desire him to make his daughters his heirs, and the said Lawrence said that he durst not do so for all the goods in the world; for he said that Sir Pierce Dutton now living was right heir male to him, for his land was as well tied to the said Sir Pierce as it was to him. Margaret Vernon, daughter to Sir Thomas Dutton, showed to this deponent that Thomas Aston sent his chaplain to move her to make report of such things as the said Aston and others should instruct her of. And she said that she would not, for she had given to them all her goods to get them land by marriage, and she would not give her soul, for she knew that Sir Pierce Dutton was come lineally of the whole blood from Edmund Dutton, Hugh, John and Pierce Dutton, which was grandfather to Sir Pierce now living, and she was kin to Sir Pierce at the fourth degree, and he was very right inheritor to the land.

Sterky deposeth further that on a time the said Lawrence desired the said Pierce to help him to bring a frame of timber out of Shropshire to the manor of Dutton, and at that time he also said that it should be for the commodity of the said Sir Pierce, for he was very rightful heir male to Dutton. Which frame, albeit it lay in a house, he notwithstanding gave to Sir Pierce, as to the heir of the said manor, to set it up there.

Robert Massy, aged 100 years, says that the said Hugh Dutton married one of the daughters and heirs of Rauf Vernon of Hatton, and she would not be married till his father and Sir Pierce had granted to him Moldisworth and Preston for term of his life. He says that Lawrence Dutton, late deceased, about two years before his departing had been somewhat sick, and was recovered, and caused this deponent to dine with him. And at the table he said to the lady, his wife, Goodame, if I hadd dyed now ye mowght have hapned to have hadd some busyness. And then he spoke to this deponent, saying, Robert Massy, thou art an olde man; and I will tell thee there be many that pretendeth title to my lande, and to have yt after my decesse, as my cosen Savage, my cosens Sir Pierce a Legh, Warberton and Aston; he said he wuld marye well his daughters, if his landes sholde be departid amonge them, which he saide was aboute 4000 marks yerely; but for as moche as his lande hadd ben of longe tyme entaylid to the heires masles, he wold let it so remayne, and provide to mary his daughters with money and other substaunce, for he wolde never putt it from the heir masle, but as he found it, so wolde he leave it. Albeit he trusted to have a sone by the saide lady, his wife, whiche he said

was younger than Sir Pierce Dutton's wife, who that yere before hadd a child.¹

DICKON AND OTHERS *v.* BROADHURST AND OTHERS

Re ASSAULT AT MACCLESFIELD FAIR, CO. CHESTER

(S.C.P., Henry VIII, Vol. xiii., fo. 200)

To the Kyng our sovereyne lorde. In most humble wyse shewith your dayly oratours William Dycon, Henry Bowre and James Hanson that where they on the last day of October in this present 27th yere [1535] of your moost noble reyne were at Maxfeld in your countie of Chester, at which day there was kepte, as always hath byn, a commen fayre for all your subgettes that wyll resort theder, yntendyng no hurt or displesure to any person, one Hughe Brodhurst, George Clerke, James Scraghe, John Brodhurst, Thomas Bateman, Thomas Hatton, John Aldeffeld and Thomas Mellor of Sutton in your said countie, Thomas Parsons, Richerd Stepulton, John Crowther, Nycholas Crowther, Edward Johnson and Thomas Brodhurst, and other persons to the nombre of 14 or 15, unlawfully assembled themselves in maner of war arrayde, and ther bete and sore wounded your oratours [etc.], by reson whereof all your subgettes then att the fayre about such busynesse and affayres as they had to doo were grettly ynquyeted and troblyd. Wherefore they pray writtes of subpena [etc. etc.].

JODRELL AND OTHERS *v.* LEIGH AND OTHERS

Re COMMON AT DISLEY, CO. CHESTER ²

(S.C.P., Henry VIII, Vol. xiii., fos. 278-286)

To the Kyng our souereygn lorde. In most humble wyse compleyn unto youre most excelent hygnes Roger Joyderell, Edward Browne, Richard Nycson and John Sherle, tenants of youre hyghnes in youre towne and lordeshipp of Dyssheley and Weyley in your countie of Chester, that where your seyde tenants have continually used and occupied a serteyn commen pasture called Dyssheley and Weyley commen, as they and all whose estate they have used without tyme of eny remembrance to

¹ For the results of this case, see the Dutton Estates Act, 27 Hen. VIII, c. 43. A copy at p. 113 of *Memorials of the Duttons of Dutton* (1911). See also *post*, p. 115.

² See p. 130.

the contrary, until now of late, viz. 19 August in the 30th yere [1538] of your regne, John Kyghley late of Hanley, co. Chester, gent., William Getstathe, late of the same towne, yoman, Edward Banecrofte and Robert Banecrofte, husbondmen, Reynold Getstathe, John Dyghby of Hanley, gent., Randollfe Adhed, husbondman, Rafe Rychardson, Edward Smythe, Regnold Rychardson, Richard Howme, Humfrey Reyley and Rafe Hety, husbondman, by the extort power, commaundment and assistance of one Perce of Legh, esquier, with swordes [etc.] ryotously arrayed, unlawfully dyd dryve thether ther bestes, viz. 66 nete, 260 shepe and 11 horce and mares, and there wrongfully compastured them, and by meynenance and supportacion of the sayd Perce Alegh do wrongfully continue their unlawfull possession. The tenants drove parte of the seyd bestes into your graces pownde in your said countie untill that same day the seyd Kyghley and the others forcibly delivered them oute of the same pownde. On the Friday next before the Nativitee of the B. V. M. following they dyd pull downe the walles and closures of the same pownde, and hughe downe the gates and postes thereof, more lyker rebellyous thanne lyke youre true subjecttes; for the whiche they were 4 tymes lawfully indicted by 12 true men before your Justyces of your peace in your seyd countie within your quarter sescons theare holden abought 3 wykes nowe last past. Furthermore the said Perce of Leygh and his tenauntes, havng londes next adjoyninge unto the seyd common pasture, doo leye open their fences and yattys, so that your tenauntes catell goe into theyr londes and are impounded, and grete exaccions leyd on them. And for that the seyd Pers Alegh, berer of all the seyd mysse doers, is a man of great londes, havng many frendes and kynsfolkez within your seyd countie, it may please your most excelent hyghnes [etc. etc.]

Another bill on the same subject, complaining of a similar trespass (25 Sept. 30 Hen. VIII) by Richard Pycford, husbondman, and John Holme, servingman and servante to Peter Legh, esquier.

William Gaitschayle replies that his name is Gaitschayle not Betforthe [*sic*].

Commission directed to Richard Breche, esq., to take the answers of Peter Legh, esq., and William Gaskells [*sic*], 14 Feb. 30 Henry VIII.

The other tenants answer that, in right of certain tenements in Handley [?] they hold from Leigh, they have rights of common every year from Michaelmas to the Feast of the Invention of the Holy Cross.

Leigh answers that his father Sir Peter Leigh, Kt., long afore the tyme of his decease, by consent of the freholders and other

inhabitantz in Dystley and Walley, at the courte of our lord the Prynce holden at Macclesfeld did take by copy of courte roll the seid peecz of lond mencioned in the bill, which myght be then lawfully ymproved, savyng the tenauntz of the same lordshipp and others havynng commen there sufficieunt commen in the seid wast. Sir Peter entered accordingly, and uppon a longh meyre, being wast ground, parcell thereof, where oftymez the beestz and cattell of the seyd freholders were myred and distroyed, did erect a poole, and uppon another parcell buylded a chapell in honour of God and Our Lady, whiche chapell is fyve mylez distaunt from the parisshe churche there, and also chambers for the priste that shuld mynistrer ther; and the seyd Sir Peter occupied the same all the tyme of his lyfe, paying a yerely rent to the Prynce; and synce his dethe the defendaunt hath enjoyed the same in lyke maner.

The defendants reassert their case in two rejoinders.

Depositions of witnesses taken before Richard Bedyll, esquier, and Thomas Duncalf, gent., at Makyllisfelde, on Friday after the Feast of the Epiphany "last past," at which time the defendants (though duly warned) failed to appear.

The witnesses, viz. William Benet, aged 60, Rauf Hyll (60), Otuell Beley (92), Thomas Yong (44), Rauf Hurst (30), George Benet (60), Edward Crabtree (22), John Shrigley (29), Edward Downes (56), John Pott (30), Edward Bennet (52), Robert Ollerynshawe (56), and William Shalcros (50), all testify to the truth of the statements by the complainants.

(signed) Rychard Bydulff, Thomas Duncallffe.

ECCLESTON *v.* HAWE AND ANOTHER

Re SINGLETON GRANGE, CO. LANC.

(S.C.P., Henry VIII, Vol. xiv., fo. 2)

To the Kynge our souereigne lorde. In most humble wise sheweth your pore subject William Eccleston of Eccleston, co. Lancaster, gentelman, that where he dyd lately purchase to hym and his heyres one graunge called Syngleton graunge in Thisylton, late parcell of the possessions of the monasterye of —¹ in the same countie by force of your graces letters patentes to hym made, on the 3rd of December, 36 Henry VIII [1544], and many tymes before and after, Richard Hawe and James Pateson of Thistylton, accompanied with divers other lewde and evill dysposed persons forcibly entered into dyvers parcells of grounde to the said graunge belongyng, destroyed the fences and grasse

¹ Cockersand.

ther growyng, dugge great pittes there, and caried away at the least 5000 lode of marle. In consideration whereof [etc. etc.]

EGERTON *v.* CALVELEY, AND EGERTON
v. GERARD AND TIPPING

Re MANOR OF RIDLEY, CO. CHESTER

(S.C.P., Henry VIII, Vol. xiv., fo. 41)

To the kyng our sovereign lorde. Humbly shewyth your highnes true and feythfull subgett and servant Richard Egerton, esquier, son and heire of Sir Rauff Egerton, Knyght, disceased, that wher your beseycher and divers other persons to his use are seased as of fee tayll in the maner of Rydley, co. Chester, and have there a certeyn park with dere, so it is that one Hugh Calvey, son of George Calvey of Ley in the said countie, esquier, of his malycious and perverse mynde, the 22nd of June 21 Henry VIII [1529] unlawfully brake into the said park, and with his grewhoundes and houndes that he brought with him, hunted and kyllled dyverse of the dere there. One of them he conveyed away, and hid himself and the dere behynde a bushe outside the park, until one Thomas Aprychard, keper of the said parke, and George Baguley with his hounde drewe unto the place, and told him he was to blame. He answered them furiously, but at length in peacyble maner they toke the dere from hym, and brought it whome to your suppliantes house at Rydley. Thereupon he departed in a greete furye, spekyng many hygh malycyous wordes to the said men. The same Hughe, not therewith contentyd, on the Sondeye next before St. Peter's day last past, having in his company Rychard Hunston, Raff Croxston, William Baude and other household servants of himself and his said father, ley in wayte upon the said servantes of your beseycher at Rydley under the parke pale, with bowes, arrowes, bylles, swerdes, bukkes and other wepens, and ther sodenly and furiously made assaute upon them as they were coming whomward from the churche to Rydley, and them sore bett and wounded, of the whiche woundes they as yett languish and ben in greate jeopardie of their lyves. Wherefore your beseycher praieth [etc. etc.].

(signed) FRANCISCUS MOUNDEFORD.

(*Ibid.*, fo. 43.) Bill of complaint by the abovesaid Richard Egerton, concerning a similar trespass by Richard Jerard, gentylman, and Peter Typyng and other persons to the number of six, about 4 A.M., on the 5th of September 20 Henry VIII [1528] when they killed one buck and one doe, and hurted

and galled divers others. By reason of the noise they made, one Thomas Aprychard, keper, accordyng to his dewtye, toke with him three or four of the household servants and tenantes of your beseycher; when the trespassers saw them comyng, they shotte dyverse arrowes at them, and sore wounded one of them, by name Richard Prestlond, and contynued their riot and assaute until such tyme as they yelded theym to the said keper, and after departed away out of the said parke. Wherefore [etc. etc.].

FLEETWOOD *v.* FORREST

Re WYMOTTE MOSS,¹ CO. LANC.

(S.C.P., Henry VIII, Vol. xv., fo. 126)

The answer of John Forrest to the bill of complaynt of John Fletewood and others. The defendant says that, as to all perjuries and other misdemeanours mentioned in the said bill, he is in no wise guilty. The complaynants, about 2nd July last, riotously assembled at the waste called Wymotte Mosse, and unlawfully entered therein, upon the possession of Lawrence Rawstorne, one of the defendants, contrary to statute made 8 Henry VI. At the next sessions of the peace holden at Manchester, 17th July last, Rawstorne exhibited a bill of indictment against them under the said statute; on which day Fletewood and one John Mylner, tenants to the said Rawstorne of parcel of the premises, of their own perfect knowledge and free will gave evidence to the inquest there impanelled of the said forcible entry. [*No date.*]

FOX *v.* FOX

Re PROPERTY AT CLEVELEY, CO. LANC.

(S.C.P., Henry VIII, Vol. xv., fo. 267)

To Thomas, Cardinal Legate, Archbishop of York and Chancellor of England. Humbly sheweth your trewe bedeman Wylliam Fox that, where Syr John Lomaley, Lorde Lomley, and John Rygmayd', esquier, did grant a lease of 2 meses, 22 acres of arabull land and 20 acres of medowe in Clyveley, co. Lancaster, to Harry Fox, complainant's father, for terme of his life at a rent of 20s. yearly, and the said Harry granted parcel thereof to the complainant for the sustynauce, helpe and comfort of hym, hys pore wife and chylderyn, the complainant was seised

¹ In Hatton, parish of Penwortham.

thereof for 10 years, till one Crystofer Foxe, without colour of good cause, accompanied by Wylliam Atkynson, John — *alias* Atkynson and Lawrence Stursaker, forcibly put him out and kept him out, till the compleynant did well perceive the indifferent administration of justice done and executed by your Grace to every person. He thereupon came to the said Cristofer, and desired him to suffer him to occupy again the premises so granted to him, or elles he would make complaint to your Grace of his injuries and wrongs. The said Cristofer was upon this motion and desire content to restore the premises to him, Edmond Gardener and Rychard Laryngton becoming his sureties. But by no meane ne laboure can the complainant procure the said Cristofer or his sureties to do after their agreement; but of their malycious and cruell purpose they have caused one John Fox to entur into the premises, who now withholdyth the same, contrary to all right and good conscience. Wherefore he prayeth the award of a subpena or ellys a privey sealle to be directed to the said John Fox and the sureties, commanding them to appear before your Grace in the Starr Chamber. [*No date.*]

FULSHURST *v.* BRENLEY

Re LAND AT WISTASTON, CO. CHESTER

(S.C.P., Henry VIII, Vol. xv., fo. 277)

The title of Thomas Fulshurste, esquier, to 12 acres of land in Wystaston, co. Chestre. The sayd Thomas sayeth that one Patrike Crue, son of Sir Thomas Crue, knight, was seised of the said land, which descended from him to his son Thomas, and from Thomas to his daughter and heir Joan, who intermarried with one Richard Prees, and was succeeded by her son Richard Prees, and he by his son Thomas Prees, from whom the premises descended to his daughter and heir Elizabeth, which toke to husbonde Robert Fulshurste, whose son and heir was Sir Thomas Fulshurste, knight, who was succeeded by his son and heir Thomas, and he by his son and heir Sir Robert, from whom the premises descended to his son and heir Thomas, and from him to his son and heir Robert, and from him to his son and heir Edward, who died a ward to the King, from whom the right descended to the now demandaunt Thomas, as his brother and heir.

After the death of the said Sir Robert Fulshurst, one John Fulshurst, a younger son of his, occupied the premises during his life, by reason of a lease made to him by his father; which John died about three years now past.

[Endorsed :—] Brought in by Mr. Molynes concerning the title of Fulshurst against Brenley, 12th May 24 [Henry VIII] [1532].

THE ABBOT OF FURNESS *v.* TUNSTALL

Re FISHERY IN THE R. LUNE, CO. LANC.

(S.C.P., Henry VIII, Vol. xv., fos. 281 and 282)

To the kyng our sovereign lorde and to his most honorable counsell. Sheweth unto your highnes your feythfull subject Alexander, abbot of Furnyse, co. Lancaster, that where he and his predecessors tyme oute of mynde have beyn seaid of the free fyschyng and were [weir] in the ryver and water of Loyne, and have had a bootte and nette to take the fysche ther, so it is that one William Tunstall, late of Aldcliff in the county aforesaid, gentylman, about 8th June 18 Henry VIII [1526] assemblyd divers riottous and mysruled persons to the number of 8 and above, whereof some were the manuall servantes of the seid Tunstall, and them sent in riotous maner to the seid water of Loyne, where the selerer of the seid monastery in peasyble maner was beholding the seid abbottes fyschers in the seid free fysching, and there they manysshed [menaced] and thrett the selerer and fyschers that yf they toke any fysche there they shulde grevously repent it, and then forcibly toke the abbottes nette and fished there with the same, and toke from the selerer all the fysch that had bene takyn by the abbottes fyschers. The Abbot, trusting the said Tunstall would not further inquiet him, caused a newe nette to be made costinge 5 markes, and occupied the fischinge till the 29th of the same month, when his fyschers hanged the nette to drie on the stakes nere by, as had bene the custome tyme out of minde; when there came dyvers persons and rente the seid nette in peces. Again on 25th April 19 Henry VIII [1527] the said Tunstall and others came to the were, and brake downe parcell thereof for a lenght of 6 yerdes and more; and on the 27th of the same month one Randow Gilpyng, Nicholas Gatstall and others, by abettement and comfort of the said Tunstall, dystroyed 200 stakes of the same were; and over this, on the same 27th of April last past, they and dyvers other persons came to the said water of Loyne with arrowes in there bowes redy to have schotte the same fyschers, who withdrew, feringe for there lyffes, and never since darre fysche there. Wherefore [etc. etc.].

Tunstall makes answer that he is in no wise guilty of any manner of riot or unlawful assembly; the other charges are triable at common law.

INHABITANTS OF FRODSHAM *v.* STARKEY*Re* RIGHTS OF TENANTS IN FRODSHAM, CO. CHESTER

(S.C.P., Henry VIII, Vol. xv., fo. 329.) (In bad state)

To the Rt. Hon. Sir Thomas Awdeley, Kt., Lord Chancellor of England. Forasmuch as it is meritorious in any cause doubtful or unknowen to testifie to the treuthe, we [here follow 14 lines of names of inhabitants of the parish and lordship of Frodsham] testify that all the higher [newe hey] . . . [The statement apparently sets forth in detail the rights of tenants in certain lands, but the document is in too bad a state to allow of a satisfactory abstract.] Dated . . . April 28 Henry VIII [? 1536].

(Filed in Bundle 18, No. 142). An order by the King to
 , directing them to repair unto the ground called the higher new hey, there to call before them the tenants of Frodsham and the King's servant Hugh Starkey, to examine them upon the counts of the bills in the two cross suits pending between them. [Undated.]

JERMYN *v.* HOLLINSHED*Re* COMMON RIGHTS AT SUTTON, CO. CHESTER

(S.C.P., Henry VIII, Vol. xvi., fos. 50-53)

To the Kyng our sovereign Lorde. Humbly shewith unto your highnes your trewe subgett Robert Germyn of Sutton, co. Chester, that wher he and other of your heighnes tenants of the same town have from time immemorial occupied comyn of pasture in a comyn called Sutton comyn at all tymes of the yere with all maner of bestes, on 6 July 23 Henry VIII [1531] one John Holynshed of Macclesfeld, yoman, Richard Roo of the same, yeman, Thomas Persons, Thomas Merler the yonger and the elder, John Ryle, John Shore, John Hegynbotham and Edward Blagge of the same town, yeomen, John Davenport of the same town, gent., Roger Stubbs, Thomas Deyne, Thomas Prestbury, Thomas Jackson, John Akurlondes, John Wakefeld, George Button, Ottnell Couper, John Crouther, John Pymlott, Jamys Holte, Edward Johnson, Thomas Pylkyn-ton, William Claye, John Coke, Edward Andrew and John Blage the elder, all of Macclesfeld, associate with many evill disposed persons to the nombre of fourty and above, did repayre unto the said comyn with force and armes, and dyd dryve away 6 bestes of your compleynant, whereas no man now lyvyng can

remember any such distreynt made. When lovingly requested to give them up, they made assaute upon your orator, and hym dyd bete and wounde, so that of long tyme aftur he was in jeopardy of his liff. In tender consideracion whereof [etc. etc.].

John Holynsehed, Richard Roe, Thomas Peersons, John Ryeley, Thomas Marler junior, John Shore and John Hekynbotham, in their answer state they made no such riot; and if they did, they are thereof discharged by the king's free pardon. The town of Macclesfield is an ancient borough corporate holden of the king; the burgesses and inhabitants have, time out of mind, had free common of pasture for all their cattle in the common of Macclesfield, containing about 500 acres lying betwixt the town and the forest of Macclesfield towards the said town of Sutton. They have also been accustomed to have common of pasture *pur cause de visynage* in the said town of Sutton, under which right they occupied it with their cattle on the said 6th of July, and before and after. The complainant put his said 6 beasts on the common of Macclesfield, where there were 1000 sheep, 40 neat and 20 colts of tenants of the village of Sutton, though neither the complainants nor any of the inhabitants of Sutton ever had any right there. The men of Macclesfield therefore sent one John Shore, being then sergeant at the mace under the mayor of Macclesfield, to fetch out the said 6 beasts and the other Sutton cattle; at which time the complainants and other men of Sutton made assault upon Shore, and broke his head in three places; without that that [etc. etc.].

Jermyn replies that the place where the said riot was committed is a piece of ground lying between the town of Macclesfield and the several forest of Macclesfield within the town of Sutton, and that the beasts of the tenants of Sutton were commoning within their own proper ground. If there are rights of common *pur cause de vysynage*, it works both ways [etc.].

The Macclesfield men rejoin that such claim on their part does not give any corresponding right to Sutton to common in Macclesfield.

GETHYN *v.* MANNING

Re MEADOWS AT CHURCHHEATH AND ALDERSEY, CO. CHESTER

(S.C.P., Henry VIII, Vol. xvi., fo. 56)

To the kynge our soveraigne lorde. Humbly complayneth Hughe Gethyn of London and Johan, his wife, doughter to William Massy, gent., George Byron, William Moseley and John Whitteleg, laborers.

The evidences relating to 10 acres of meadow in Churchynhethe and Aldersey, co. Chester, of the inheritance of the said Johan, have come into the hands of Rallfe Mannynge of Cleyley, co. Chester, who (by colour thereof) accompanied by Henry Baylie, Laurence Kyrfoote, John Fylkyn, Jamez Bryan, John Aldersey, Randall Lycheforthe, Robert Hevell and Geffery Horsekeper, servants unto Sir Piers Dutton, knight, and others on 7 Sept. last [32 Henry VIII] [1540] riotously did carry away the hay and grass from the said meadow to the value of 15 lodes. And by the maintenance of the said Sir Piers they did arrest the three poor labouring men retained by Gethyn to mowe the grass, and carried them to the castle of Chester, where the said Sir Piers is constable, and there did ymprison them with yrons and fetters in most cruell fascyon by the space of 6 wekys, whereby they did fall into such diseases and syknes that they thereby be in maner utterly mayheymed and undone for ever. Sir Piers further, by Chancery bill, untrewely obtained an injunction against the said labourers not to proceed in their suits taken afore the King's Justices and Chamberlain of Chester. Wherefore unles grete mercy and pytie be extended unto your oratours [etc. etc.].

GLAZIER *v.* EGERTON

Re TRESPASS AT CHRISTLETON, CO. CHESTER

(S.C.P., Henry VIII, Vol. xvi., fo. 77)

To the kyng his most royall mageste. Humbly compleynith unto your most excellent highnes William Glaseor of the city of Chester, alderman, seased of a messuage and 10 acres of land in Churchecristelton, co. Chester. One Raffe Egerton, gentleman, Raffe Ryder, Willyam Crompe, Thomas Hareware, Hugh Egerton, all of that town, Richard Lightfote and Richard Fynche of Edmondes Cotton, John Seller the elder and John Walton of Churchecriselton, Henry Cotnall of Rowton, John Jannyn, Philip Penkes and Thomas Penkes, not dowtyng the danger of your magestes lawes, accompanied with other riotous persons to the number of 30, the 16th day of _____ in this 36th year of your reign [1544-5], made forcible entry into the premises, and one John Seller, tenant at will of the premises, his wyff and fyve their small children and infants most cruelly did entreat, so that they yet stonde in danger of their lyves by occasion of such extreme sicknes as they then with suche soden frightynes dyd susteyne. In consideration whereof [etc. etc.].

GLAZIER *v.* ROGERSON*Re* TRESPASS ON PASTURE IN CHESTER

(S.C.P., Henry VIII, Vol. xvi., fo. 78)

To the kyng our moste dradde soveraygne lorde. Complaint by the same William Glaseor, who is lawfully possessed of a pasture adjoining a close called the Bache dale, on the N., and a close called Bexwykes on the W., in the county of the city of Chester, for a term of 99 years by demise of the late abbot and convent of Chester. The premises have been given by the king to the dean and chapter of the cathedrall church of Chester, by your majesty there lately erected for certain godly purposes. The complainant has enjoyed the premises for 6 years last past, till now of late one Rauf Rogerson, Rychard Gynson, Rychard Bryne the yonger, Wylliam Newhalle, Roger Hale, Thomas Deane, Rychard Grymsdyche, Rychard Pole, Rychard Ratheburn, Rychard Grymsdyche, Rychard Dene, Rychard Callye, Roger Rodfarte, Robert Lewes, Rychard Wyldyg, Rauf Boyer, Rauf Wright, Rychard Newhalle, John Rodfarte, Peter Newhouse, Wylliam Bryde the yonger and the elder, John Scouche, Thomas Goose, Wylliam Shyngleton, John Hale, Robert Ratheburne, Peter Strete, Thomas Gooned, Wylliam Browndyshanke, John Tylston, Peter Tong, Thomas Bekynton, Rychard Bryne the elder, John Gylle, Richard Brouster, Thomas Wylcok, Henry Wylcok, Robert John, John Johnson, Robert Wryght, John Ferchelyf, Rychard Jeynson, John Huntyngham, Wylliam Callye, Hughe Gyllam, Thomas Gyllam, John Harforde, Thomas Harforde, Roger Plate, Wylliam Hurste, Rychard Barton, Rychard Lowe, Rondull Ryxson, Thomas Smyth, Rychard Hewer, John Chorop [?], Thomas Smyth, Henry Anyon, Thomas Smyth, draper, Richard Lydeat, Nycholas Loker, Henry Davye, George Arowehedmaker, Edmund Hannet, Rychard Skynener, James Radley, Wylliam Crewe, Hugh Holme, Thomas Byldon, Rychard Poope, Thomas Rychardson, Robert Yorke, John Percyvalle, Wylliam Smethurst, Rychard Barker, Roger Ladesane, John Byrche, John Bradbourne, Thomas Pyllyn, Peter Hylle, Rychard Barnys, Laurence Jaslyn, Thomas Aldersey, Robert Aldersey, Thomas Tomlynson, Wylliam Locker, Symon Sonder, Thurstan Rosemegreue, Rondull Assheton, John Savage, Rychard Thomaston, John Effeley, John Bellyn, Thomas Ryder, Rychard Stonce, Rychard Anderton, George Vernon, Roger Basseforde, John Rosemegreue, John Meyre, Peter Rychardson, Rowland Crewe, Wylliam Clough, Rauf Pyllyn, Roger Pantun,

Morrys Wylliam and Wylliam Strannowe, accompanied by other riotous persons to the number of 400, riotously entered the said pasture, and by procurement of William Holcroft cutt down and pulled up quykwood, thornes and other trees growyng in the dyches and hegerows on the E. and S. sydes for defence of the same to the valewe of 10 marks, and dyd fill up the dyche on the said sydes containing in length 60 rods, and 3 mylche kyen of your complainant ther depasturyng dyd chase and putt in great danger of distruccion. In consideracion whereof [etc. etc.]. [*No date*, but see *Goodman v. Bryde*.]

GODBEHERE *v.* ARROWSMITH

Re ASSAULT AT SMALLWOOD, CO. CHESTER

(S.C.P., Henry VIII, Vol. xvi., fo. 92)

To the kyng our sovereign lorde. Your poore orators Olyver Godbehere and Jhon Hogekeynson shewe that on 1st November 35 Henry VIII [1543] at Smallwood, co. Chester, one Rychard Arrowsmyth of Smallwood, caryer, Wylliam Arrowsmyth, laborer, Perce Corkar and Rychard Corkar, husbandman, both of Corkar (?), and Roger Lockett of Sanbych, laborer, made assaute upon them, sore wounded them and put them in jeopardie of their lives. In consideration whereof [etc. etc.].

(signed) P. MOLYNEUX.

GOODMAN *v.* BRYDE AND OTHERS

Re TRESPASS ON PASTURES IN CHESTER

(S.C.P., Henry VIII, Vol. xvi., fo. 174)

To the kyng our moste dradde soveraygne lorde. Humbly sheweth your obedyent subjectte William Goodman of the cytye of Chester, alderman, that where he is seised of a pasture adjoynyng Pynchewer Heyes in the county of the said cytye, under lease from the late Abbot and convent of Chestre, which premises your majesty hath since given to the dean and chapyter of the cathedrall churche in Chestre, he peaceably enjoyed the same for 6 years last paste, till now of late one Wylliam Bryd the elder, Thomas Gyllam, George Arohedmaker, Robert Yorke, Richard Wyldyg, Rauf Boyer, Rychard Grymsdyche, Rychard Pole, Rychard Batheburne, Rychard Grymsdiche, Rauf Rogerson, Rychard Done, Rychard Calley, Rychard Gynson, Roger Radforte, Robert Lewes, Rauf [*sic*] Boyer, Rauf Wright, Rychard

Newhall, John Rodfart, Peter Newhouse, William Bryde the yonger, John [*sic*] Scouche, Thomas Goose, Wylliam Shyngleton, John Hale, Robert Batheburne, Peter Strete, Thomas Gooned, Wylliam Broundeshanke, John Rylston, Peter Tonge, Thomas Bebynton, Rychard Bryne, John Gylle, Rychard Brouster, Thomas Wylcok, Henry Wylcok, Robert John, John Jeynson, Robert Wryght, John Ferchlyf, Rychard Jeynson, John Huntington, Wylliam Callye, Hugh Gyllam, Thomas Gyllam, Wylliam Newall, John Harforde, Thomas Harforde, Roger Plate, Wylliam Hurste, Rychard Barton, Rychard Lowe, Rondull Ryxson, Thomas Smyth, Rychard Hewer, John Thorp, Thomas Smyth, Henry Anyon, Thomas Smyth, draper, Rychard Lydeat, Nicholas Loker, Henry Dauy, Edmund Hannet, Rychard Skryuener, Jamys Radley, William Crewe, Hugh Holme, Thomas Hyldon, Rychard Poope, Thomas Rychardson, John Percyualle, William Smethurst, Rychard Barker, Roger Ladesame, John Byrche, John Bradborne, Thomas Pyllyn, Peter Hylle, Rychard Barnys, Lawrence Jaslyn, Thomas Aldersaye, Robert Aldersaye, Roger Hale, Thomas Tomlynson, Wylliam Baker, Symon Fonder, Thurstane Rosemegrene, Rondull Assheton, John Savage, Thomas Deynye, Rychard Thromaston, John Offeley, John Bellyn, Thomas Ryder, Rychard Scouce, Rychard Anderton, George Vernon, Roger Basseforde, John Rosemegrene, John Mayre, Peter Rychardson, Ro'and Crew, Wylliam Clough, Rauf Pyllyn, Roger Panton, Morras Wylliam and Wylliam Strannowe, accompanied with other riotous persons to the nombre of 300 in February in the 37th yere [1545-6] of your regne, by the procurement of William Holcroft, squyer, riotously in one great rout assembled, and cutte down the quykwood thornys and other trees growyng in the hedges and diches for the defence of the said pasture, putting into daunger also of destruction great quantities of whete and other graynes growing nere unto the said pasture. Wherefore [etc. etc.].

GOLBURNE *v.* BELLOTT AND OTHERS

Re MILLS AT ODD RODE, CO. CHESTER ¹

(S.C.P., Henry VIII, Vol. xvi., fos. 181 and 182)

To the Rt. Hon. Sir Thomas More, knyght, Lord Chancellor of Englonde. Humbly sheweth unto your good lordeshipe Richard Goburne that, where he holdeth to ferme for terme of 3 yeres not endide of the grant of one Alice Morton, wedowe of William Morton late of Odred, co. Chester, deceased, 2 corne

¹ See pp. 116 and 139.

milles and one mille called a symthy in Odred, to which time out of mynde there has come the water which rysith on an hille called the Molle, runnyng through the lande of the said Alyce directly to the milles ; now one John Furnevall, yeman, Hugh Rathebon, Rauffe Furnevall and Kateryn Roo, by the procurement of one John Bellott, on 12 March 21 Hen. VIII [1529-30] riotously caste down the bankes of the said water and turned it from its right course. He dare not, for fear of his life, repair the said bankes ; wherefore the milles stande still, without any grindyng ; [etc. etc.].¹

The answer of John Bellott (in a bad state) alleges that on Passion Sunday last past, and many times since, . . . Robert Alen, William Dee, Edmund Foreste, Raf Steele and others, riotously came to Molle [?], and in a place wide and comyn betwix the townes of Odred and Great Morton, and turned the water from its ancient course ; and when Margere Beeke and Margere Roo, meydyns and inhabitantz of Greate Moreton, came thidder in an evenyng to have opteynged and retorned the said water into his ancient course, then the said Golborne and his riotous company them greuously bete, without that [etc. etc.].

GRIFFIN *v.* CREWE AND OTHERS

Re ASSAULT AT NANTWICH, CO. CHESTER

(S.C.P., Henry VIII, Vol. xvi., fos. 339 and 340)

The complaint of Edmond Gryffyn of assault made upon him at Nantwiche, co. Chester, 10 May 34 Henry VIII [1542], by Thomas Crue, shomaker, Roger Waltho, gent., Thomas Waltho, gent., John Waltho, capper, Edmond Terry, bocher, Roger Smithe, shomaker, Richard Maysterson, shomaker, Richard Blage, glover, John Wittakers, William Jacson and Hugh Dacre, shomakers, John and Randulfe Shyres, sharmen, and Robert Alenson, capper, all of Nantwiche. For safeguard of his life the complainant was forced to take refuge in the house of one John Spele, into which they broke and searched for him till one Thomas Maysterson, gent., steward of the said town, came to his succour, and commanded the said misruled persons to keep your Highness' peace. The complainant has requested Richard Hassall, esq., J.P., to make inquiry touching the riot, but he being nigh kinsman unto the said Thomas Crue

¹ [Endorsed :—] This cause is committed to Roger Lee and John Sutton to hear and finally determine ; otherwise to certify before the King and his council at Westminster in the Quinzaine of Hilary next. By command of the Lord Chancellor of England.

and others, very little or nothing has as yet been done in the execution of the laws and statutes against the said riotous persons. Wherefore [etc. etc.].

Crue and John Walthall in their answer say that the complainant pursued Crue on the date named, who finally stood and defended himself.

GRIFFIN *v.* HASSALL AND OTHERS

ASSAULT AT HANKELOW, CO. CHESTER

(S.C.P., Henry VIII, Vol. xvi., fos. 340-345)

To the kyng our souerayn lorde. Humbly sheweth your dayly orator John Gryffyn of Bardarton, co. Chester, that where on 22 Sept. 32 Henry VIII [1540] he was cummyng from a wood in the county of Saloppe callyd Aderley Parke unto his own howse, where he had byn to bye tymber, havynge no wepyn about hym but a shorte wodeknyfe by his syde, one Willyam Hassall of Hankelowe, co. Chester, gent., Rauffe, Robert and John Hassall, Robert Holford, Henry Hylton, and other evyll dysposed persons to the nombre of 10 or 12, arrayed with swerdes, bucklers, paddells, etc., lay privily in wayte for hym in a layne nighe unto Hankelowe, intendyng ther to have murdred hym, which they would have accomplished had he not had the ayde of some honest persons dwellyng nighe aboute. The defendants stande indyted before the justices of the peace, but dayly manasse your orator [etc. etc.].

William Hassall makes answer that long time before the said 22nd of Sept. there was variance between the complainant and the said Robert Holford, his uncle. On that day Holford and John and Rauff Hassall had gone for their pastime and honest recreation to Audelem, but a mile distant from this defendant's mansion house, and as they were coming through the lane the complainant, accompanied with one Robert Corbett, esq., Roger Horton, gent., Robert Hassall, Rauff Axton, Rauf Grey and Richard Whyterenson, some on horseback, some on foot, came after them; the complainant lit from his horse, drew his wood knife and with the same made assault on Robert Holford; the defendant did all he could to keep the king's peace. The complainant has been a common juror of the county for a long time, and caused his special friends to be impannelled to inquire for the king.

The complainant replies by reasserting the truth of his original complaint. William Hassall bade John Hassall kill the complainant out of hand, and after the fray told him he had quit

him very well, for he had broken his paddle staff upon the complainant's head, and for so doing he should not fail to have bread and beef whilst he lived.

In his examination William Hassall says that he, Robert Holford, and Raufe and John Hassall, were drinking in the house of William Blowre, being an alehouse adjoining the said lane, when Griffin and his party came by and called for drink. The defendants left first and were caught up in the lane afterwards. They had been sporting and bowling, and so came in to drink, not knowing of the complainant's coming.

DUCKENFIELD *v.* WARREN AND OTHERS

AFFRAY AT PORTWOOD, CO. CHESTER

(S.C.P., Henry VIII, Bundle 17, No. 14)

To the kynge our souereign lorde. Humbly complayneth your dayly bedman John Dokenfeld, that on 12 June 17 Hen. VIII [1525] intendency to have gon from his owne howse at Portwode in Brynnyngton, co. Chester, to the parish church of Stokporde to here masse, Rauff Qwarneby, Robert Brawne, John Johnson, Reynald Brombyll, Perys Brombyll, William Arderne, Henry Cawdwall, Edward Sharshall, John Qwarnebye, Richard Leghe, John Arderne the elder, John Wynnyngton and other riotous persons to the nombre of 68, by the abettement and commaundement of Laurence Waren, unlawfully assembled themselves armed in several companyes and enbusshementes, intendency to have slayne the complaynant, and so continewed for halfe a day. In avoydyng of murder the complaynant was compelled to lose his devyne service that day; he lives in great unquyetnes by reason of their threttes.

PRICKETT AND ANOTHER *v.* BRERETON

RESCUE AT TILSTON, CO. CHESTER

(S.C.P., Henry VIII, Bundle 17, No. 76)

The answer of Rondull Brereton, esq., to the complaint of John Priket and Uriah Hethe.

He begs to be referred to the palatine court of Chester, or the king's commissioners in the Marches of Wales. On the 17th of March in the bill named the defendant, accompanied by his servants Robert Candelan, John Tona, Robert Alyn and Laurence Blese, was going a hunting from his howse at Shotlache, co. Chester to Rydley in the said county, where his friend, Sir

Rychard Egerton, knight, dwelleth. Being disposed to drinke, he came to the house of Robert Bycley in the parish of Tylston, being an alehouse on the way. Divers persons were there assembled to make mery for their recreacion, amongst whom were the complaynantes, havynge in their company the said John Roscow, John Bolton and others, who (they said) had arrested Robert Jaynkin for the peace. For so moche as Jaynkin was servant to the defendant, he comoned with them, to suffre hym to go at liberte on the defendantes undertaking he shold kepe the pece and appere before the chamberlayn on the day comprised in the warrant. They suffred him to depart accordingly, and he duly made his appearance, without that that he was riotously rescowed [etc. etc.]. [*No date.*]

VENABLES *v.* VENABLES AND OTHERS

ASSAULT AND ARREST AT NORTHWICH, CO. CHESTER

(S.C.P., Henry VIII, Bundle 17, No. 127)

To the kynges grace. Complaynyth Hughe Venables, gentylman, that where, on 22nd August 22 Hen. VIII [1530] he was ridyng unto the kynges comysson, intyndyng none harme to eny persone, at a place called Northwyche Brygge in the countie palentyne of Chester, one Richard Bromefeld, howsehold servant to William Venables of Kyndrton, esquier, and 5 other riotous persons by the procurement of the said William, made assaute upon him, intyndyng to have murdred him, but he defended hymself with his sword and bokelar, as by the strokes remayning on the same shall appere. And there came also Thomas Bromefeld of Northwyche, yeoman, also howsehold servant to the said William, with 20 other persons, who dispyghtfully cryed and said "Down with hym." He was rescued by one Richard Masterson, gentylman, and others, and by theym put into an howse in Northwyche. On 2nd Sept. last the said William caused the complainant to be arrested in Chester by one Parker, who sayd he should goe with hym to the mayor, or ells he would thrust a byll through his body; he was put in preson, and only delivered upon writ pursewed out of the Eschequer there. This arrest was devised to hinder the complaynant's being examined before the commission touching certain matters at variance between himself and the said William.

The defendant Venables answers that George Bromley, John Salter and other commissioners duly took the evidence, and the complainant was arrested only the following day to answer to an action upon the case.

HARCOTT *v.* BROMLEY*Re* COMMON LANDS AT NORBURY, CO. CHESTER

(S.C.P., Henry VIII, Bundle 17, Nos. 139 and 100)

To the kyng oure soueraigne lorde. Shewyn unto your highnes Thomas Harcotte, John Sparowe and Rychard Style for themselves and other tenautes of the towne of Byckley, co. Chester, that whereas such tenautes have byn accustomed to have common of pasture in certeyn waste growndes called Norbury in the towne of Norbury, the este end of which common abbutteth towards Byckley and the west end towards Norbury, now one Thomas a Bromley and William a Bromley, his sonne, and divers other inhabytautes of Norbury, about 10 weekes last past, drove away the complainantes cattle from the said common, and them dyd enchase to a howse in Norbury, where they impounded them by the space of 2 dayes and a night, so that they were lyke to perish. They were afterwards delivered by the great suit and labour of one Thomas a Chomley. A few days later they assembled on Norbury common, and did there enclose about 60 acres with a ditche. They have also procured one Edmund Atwys and Thomas Baly to kepe dayly upon the said common 2 great mastyf dogges to kepe the complaynantes cattell out.

William Bromley prays to be referred to the court at Chester, where writs of replevin have been pursued against him. [*No date.*]

LANCASTER *v.* BOOTH*Re* PARSONAGE OF ROSTHERNE, CO. CHESTER ¹

(S.C.P., Henry VIII, Bundle 17, No. 146)

To the kyng our souereign lorde. Shewith your dayly orator John Lancaster, prior of Lande, co. Leycester, that where the said monastery has held appropriate the parsonage and church of Rowesthorne, co. Chester, for the space of 30 yeres and more, one George Bothe of Donham in the said county, esquier, has often requested a lease to be made thereof to him and his frendes, to which for dyvers reasonable causes the complaynant wolde never agree. Now the said George, with Randall Bruerton, gent., and dyvers other mysruled persons to the nombre of 20, on the 1st of May 21 Hen. VIII [1529], went riotously towards

¹ See next case.

the parsonage and church of Purley, where your orator then was, openly declaring he would ridd your orator out of this present world. On privy knowledge thereof, for sauvegarde of his life, he did secretly depart to his monasterye, and dare not come to the said parsonage for fere of his lyfe.

LANCASTER AND HARDWICK *v.* LEIGH AND
ANTROBUS AND OTHERS

Re RECTORY OF ROSTHERNE, CO. CHESTER ¹

(S.C.P., Henry VIII, Bundle 17, No. 245, and Bundle 22, No. 280)

Complaint by John Lancaster prior of Lande, Co. Leicester, as patron of Rothestorne, and William Hardwyche, vicar of the same, setting forth that the prior holds the said rectory by gift of Henry VII, and Hardwyche has held the vicarage for one whole yere. Now Rychard Lyghe, esq., Randall Antrobus, priest, Rondall Venables, John Shuttlyworthe, Henry Glayve, Roger Bratchegurdyll and other misdemeaned persons to the nombre of 100, by procurement of one William Venables, esq., on 5 May 21 Hen. VIII [1529] came violently to the church, and pulled the said vycar owte of his stall, and putt into the same the said Randall Antrobus, who doth continue in possession of the benefice.

Leigh prays to be remitted to the common law.

Depositions taken 28 May 22 Hen. VIII [1530]:—Thomas Mayre (aged 40) says that William Venables, Rauf Snede and Richard Leghe sent John Sworton, servant to the said Venables, to the said Hardwyke, that he shold visit a man that was not [really] sike. As soon as the vicar had departed out of the church with the sacrament, one Sir Randulp Antrobus, Rauf Hykson, William Wilkynson the yonger and John Shyttilworth barred the church dore, and kepte it with swordes, buklers and clubbys, until William Venables came to the said church, accompanied with Rauf Snede, Richard Leghe, Randulf Venables, Sir Richard Ledsam, clerk, Randolph Vernam, clerk, Hugh Mynshewe, John Tunge, John Sydall and one —, horsekeper to the said Venables, Heryan Dymaugh and 3 servantes more, John Coppokk, Raufe Leghe, Hugh Gleve, James Medowes, John Rogerson, William Kell *alias* Rogerson, Henry Kell, John Strynger, and others unknowen, with one John Barnes, servant to the Prior of Launde, all which persons were weipened with swerdes, staves etc., to the intent (he surmyseth) to take possession for the said Venables of the said benefice, which he claimeth.

¹ See preceding case.

When Sir William Hardwyke was redy to goo to evensonge, there came into the chauncell the said William Venables and Richard Legh, which did prohibite hym to say his divine service, closing his boke together, and taking the vicar by his armes they thrust him oute of the chauncell. On the morowe they would not suffre the vycar to say matyns and masse, as he was wonte to do, saying he had no auctoritie so to doo. They were then abowte 200 persons, armed for the most parte with staves.

Snedes sang high masse that day, and after the lavatory came to the chauncell dore, and there declarid to all the parishens that the benefice was impropred to the monastery of Launde for 20 yeres, and the said Venables dyd never see his tyme to calle upon it until that tyme, when the said Venables of his goodnes gave it to hym, and desired all the parishens present to ayde hym in it, for he knew there wolde be busyness betwene the prior of Launde and him, and he wolde forgeve all the tithes that were behinde to the prior. Than spake but few of the parishens. Than stode up Rychard Lege, and bade "Speke, masters." Than with that spake the number of 200 persons, and said they wold assist him.

On Passion week last past there stode the servantes of Rauf Snede at the high autler, with swerdes, buklers and daggers, and dyd receyve the tythes and houselyng money to th' use of their master, and wolde suffre no man to pay the tithes to the prior's proctor.

Thomas Jakson (aged 46) says that one Nicolas Skeylhorne, smythe, and others, pulld the locke off the chauncell doore with swordes etc. about the 4th week in Lent last past.

Mathewe Barnes (aged 25) says that Raufe Snede sayd that the vicar sholde not say masse there except he wolde become his servant. He heard Snede say that the church was impropred by the consent of Lovell and Dudley. He knows not what tithes Snede did gather, but if the prior had gathered it himself it had ben worth 40 marks.

William Hardwyke, clerk, (aged 27) testifies as above.

William Heighfeld (aged 40) has gathered the tithes in the parish these 16 yeres and more; it amounteth to £17 within 10s. more or less.

William Venables answers that one William Venables was seised of the advowson and parsonage of Routhesthorne as appendant to the manor of Kinderton, in tail male, of the gift of Henry Venables; from him it descended to his son Thomas, who, being in suit in the law with Sir John Savage, knight, and one Richard Coton, touching the said manor and divers lands to the yearly value of 200 marks, was driven of necessity, to avoid further inconvenience, without any recompense, to levy a

fine to Sir Thomas Lovell and Edmond Dudley of the glebe and advowson. They granted both to the Prior of Launde. Venables afterwards entered into the glebe, and died seised thereof and of the said manor. The defendant Venables succeeded as his son and heir. The church being vacant, he presented Raff Snede, who was lawfully admitted and instituted, and came peaceably to have induction by the Archdeacon's authority. Venables came with 5 persons and his chaplain, being all his household servants, with which number he commonly useth to ride withal, and the said Snede having with him 4 of his household servants. He was there lawfully and peaceably inducted, without that that [etc.].

The Prior replies that in 18 Henry VII [1502-3] Sir John Savage, knight, and Anne, his wife, and Richard Coton arraigned an assize of nouvel disseisin of the manor of Kynderton, amongst others, against the said Thomas Venables, who alleged that one Peter Dutton and others were seised of 3 parts thereof, to the use of the abovesaid Henry Venables and the said William, father of Thomas, in tail male successively. Henry died without issue male. He alleged also that the said Henry, ancestor of the said Anne and Richard, (Anne being daughter of Rauf Bostoke, son of Elizabeth, one of the daughters of Hugh, brother and heir of the said Henry, and Richard Coton being son of Johane, the other daughter of the said Hugh) gave $\frac{1}{10}$ th part of all his manors and lands to the said William Venables in tail male. The complainants established their title, on the ground that one Sir Hugh Venables, Kt., died seised thereof, when the premises descended to Richard Coton, father of the plaintiff Richard Coton, and to Raufe, father of Anne, cousins and heirs of the said Hugh. They entered and were possessed, until disseised by William, father of Thomas Venables.

After the said plaintiffs had recovered possession, the said Sir John Savage and Anne, his wife, and one Thomas Cotton and Kateryn, his wife, levied a fine of the glebe and advowson to the said Lovell and Dudley; and the said Thomas Venables and Cecile, his wife, upon great considerations, likewise levied a fine thereof, to the use of Henry VII.

While Lovell and Dudley held it, the said church voided, for one Sir James Stanley, late parson, was made Bishop of Ely. By the said king's command they presented one Hugh Hyll, clerk, who subsequently resigned after the advowson had been conveyed to the Prior of Launde by indenture. The prior has peaceably held for 23 years. Thomas Venables rented the glebe at 2s. yearly. His son utterly refused to pay rent for the same, wherefore the prior put him out of possession.

MASSEY *v.* BALSLEY AND OTHERS

Re MURDER OF RANDLE DAVENPORT IN WIRRAL, CO.
CHESTER ¹

(S.C.P., Henry VIII, Bundle 17, No. 188)

To the kyng our most souereigne liege lorde. Lamentably complayneth John Mascy, esquior, that where he heretofore complayned not only to your Grace and the lordes of your counsell, but also to your commissioners in the Marches of Wales, how that Richard Houghe, squier, with a great nowmber of evil doers, lay in awayte to murdre your seid subject and his servantes as he was going home out of your citie of Chester, about fyve of the clok at afternone, levyng him lying for ded, and also shamefully murtherd oon Rondulph Davenport, gentilman, servant and kynsman unto your seid subject, and wounded and mangled others of his servantes, who were left for ded, wheruppon the said misdoers fled out of the shire and countrey. The king's commandments by advice of his counsell were thereupon direct to all his officers in the county of Chester, and the seid commissioners likewise sent the king's commandements and theirs to the sheriff and all the officers of the county and to the coroner of the hundred of Wirrehall, where the murdre was so heynously committed, for the fyndyng thereof according to the truth. An enquest was sworne afore the same coroner, but by the meyntenance of dyvers gentilmen, being nere kynsmen to the seid Hough, who caused their owne tenantes and servantes to be put upon the seid quest, the jurors foloed the wicked myndes of the seid gentilmen; and the coroner and his enquest were after afore the commissioners, where evidence eftsones was gyffen to the seid quest and put in writyng endented, wherupon they were agreed to fynde the truthe accordyngly. Albeit, after their departure from the commissioners, the coroner and seid gentilmen laboured the same quest to find contrary to the seid writyng endented and their owne agreement; and by cause 2 persons of the same enquest wolde not vary from the truth and their agreement, the coroner returned his quest subtilly, lefyng out the same 2 persons, in great disceyte to your Grace, for thentent to obteigne lightly the pardon of the seid Houghe, and to safe his landes, which be yerely 20 markes in landes and above. The seid gentilmen doe openly meynteine and gyf evidence in favour of the murtherers, and company with the seid Richard; and by their labors Edward Fitton, your sheriff there, doth craftily excuse himself in the matter. He prays writs of privy seal directed to the coroner

¹ See p. 122.

and to the gentrymen whose names be written in a cedula attached, viz. George Balsley, Richard Gravenor, and Edward Mynchun, esquires, Thomas Pyllyn and Henry Hocknell, gent. [*Not dated.*]

LEGH v. MORE

Re COMMON AT DISLEY, CO. CHESTER ¹

(S.C.P., Henry VIII, Bundle 17, No. 248)

The answer of John More to the bill of compleynt of Peter Legh, esquier. He denies riot etc., and says that Peter Legh is seised of 3 tenements in Dystley, by occasion whereof he is comuner in the common pasture of Dystley; his brother John Legh is tenant of one of these tenements, Rafe Jakson of the second, and John Aleyne of the third, who use the common belonging to these three tenements. But now of late 25 of Legh's tenants at his manor called Lyme and at Hanley have put their cattle upon the common of Dystley and Wellay, where they have no manner of right at any time of the year. More and 2 or 3 of his neighbours impounded some sheep so found in the prince's pound, which was violently broken by Randolf Adsshede, Reynold Bonne, and Edward Banecrofte, tenants of the said Legh, and 12 other persons to this defendant unknown. Legh has no right to the said common as one of the king's foresters of Macclesfield. [*Not dated.*]

BRAYNE AND ANOTHER v. CHOLMONDELEY

Re A TRESPASS AT ASTON, CO. CHESTER

(S.C.P., Henry VIII, Bundle 17, No. 389)

To the most Reverend Father in God, Thomas, Lord Cardinal Archbishop of York and Chaunceler of England. In humble wise sheweth your dayly orators William Brayne and Peyrs Goldeston that one William Crue died seised of 20 acres of land in Aston under Mondrem, co. Chester, with a water cource runnyng owte of the same called Wewer; the plaintiffs inherited as his cosyns and heyers, Brayne being son of John, son of Elizabeth, daughter of Johane, daughter of the said Crue, Goldston being son of Richard, son of Peyers, son of Mawde, the other of Crue's daughters and heyers. They held peaceably for 20 years, till one Richard Chamley, esquier, unlawfully dis-seised them, and there beyldet towe water-mylnes. Chamley

¹ See p. 135.

conveyed the premises to William Wilbram and others to the use of his will, by which he bequeathed them to his wife Elizabeth for life. The plaintiffs then peacefully entered again into possession, but the said Elizabeth forcibly entered, braking downe the windows and dores of the said mylnes, and yet kepith the plaintiffs owte. She has craftily commenced an action for trespass against them, in the which, by the grete meynenance of the kynred and pouer of the said Elizabeth, the plaintiffs are likely to be condemned. She has caused the said William Brayne and John Brayne, his son, to be committed to prison in the chastell of Chester, where they have remeynd by the space of 3 wekes and more. Wherefore [etc. etc.].

Endorsed with an order, made 25 June, by the Abbot of Westminster and his colleagues for a commission to issue to Sir Ralph Egerton, knight, and George Bromley, to hear and determine [etc.], or to certify the king and his council at Westminster in the Quinzaine of Michelmas. [*Not dated.*]

SAVAGE AND OTHERS *v.* DUTTON

Re MANOR OF DUTTON, CO. CHESTER

(S.C.P., Henry VIII, Bundle 17, No. 398)

In the Star Chamber 13 Feb., 19 [Henry VIII] [1527-8]. Decree in the suit¹ pending between Sir John Savage, knight, and other playntiffs, against Sir Piers Dutton, touching the title to the manor of Dutton and other manors and lands in co. Chester, late in the occupation of Lawrence Dutton, deceased. For the avoidance of riots, etc. the court decrees that the premises in dispute shall be put into the possession of indifferent and substantial personages, to receive the issues thereof, until such time as the title shall be tried according to the king's common laws or otherwise. Whereupon Sir John Port, knight, one of the Justices of the King's Bench, and Sir William Leyland, knight, were appointed so to take possession under a commission to be directed to them.

(Signed) WILLM GASCOIGNE, K.

¹ See *ante*, p. 87.

MORTON *v.* GOLBORNE*Re* PROPERTY AT ODDRODE, CO. CHESTER ¹

(S.C.P., Henry VIII, Bundle 18, Nos. 42 and 216)

To the kyng owre sovereigne lord. Shewithe unto your good lordeship your dayle bedewoman Alice Morton, wedowe, that where she dymysid to one Richerd Golborne of Orton in Odrode, co. Chester, from Christmas 21 Henry VIII [1529] for a term of $3\frac{1}{2}$ yeris, at an annual rent of £40, reserving to hyr sellfe the crop of whete and rye then sowne. Intendyng to go owte of the seid countie and abyde continually in London, in attendyng upon such other sutes as she was dryven to take for refformacion of her other dyvers wrongis, abowte Mydsomer last paste she appointed one William Rame to repe the seide corne and cary it awaye. Abowte Lammas last past, when the corne was rype, Rame repid it and after browghte cartis in to the fildes to have caried it away; but the same Richard Golborne, William Dee, Roberte Ooley [?] and Raffe Stele, and other riotours by the seid Golborne assembled, came armed to the seid fildes and forcibly prevented the carying of the seid whete. Moreover the seid Golborne of his extorte power kepith from the playntiff dyvers parcels of her howsolde stuffe, viz. beddyng, brass and pewter, and dyvers brewing vessells, in the macion place of the manor, the contente whereof is to your seid subjecte unknowen. And over this he oweth her £10 for oxen, kyne, and shepe to hyme solde. And for that she hath but few fryndis in your seid countie, and is a pore wedowe, and dryven affore this to susteyne grete costis by reason of sute in the lawe, which she is of force dryven unto, she is of no more power to sue for hyr remedy in the premyssis by the common lawe, wherefore [etc. etc.].

Golborne replies that the plaintiff is a very "trobleos and besy woman," and dwelleth here at London, and all her delight is to trouble the defendant only of the inward malice and displeasure she hath long borne him. He prays a commission may be directed to certain worshipful gentilman in the county of Chester, to examine [etc. etc.].

¹ See p. 104.

SMITH *v.* MASSY

Re PARSONAGE OF BURTON AND HOSPITAL OF DENWALL,
CO. CHESTER

(S.C.P., Henry VIII, Bundle 18, Nos. 219, 199, and 126)

The answer of John Massy, esquier, to the bill of compleynt of Dame Kateryne Smyth, widow. The defendant is nowise guilty of the riots with which he is charged. For the residue he saith that Richard Eggerton, clerk, late canon of Lichfield and parson of the church of Burton, died about half a year now paste, where-upon Sir George Legh was duly made parson of Burton, and he leased the parsonage to the defendant for a term of years. Massy entered on the 24th of July in the bill named, and in peaceable wise received the offering being offered in the church of Burton that day, as lawful was for him to do. The complainant, without any just title or cause, procured divers riotous persons to enter into the mansion house of the said parsonage, of which they kept possession for about 3 weeks, until they were taken thence by the sheriff of Chester. He denies that there is any such hospital incorporate by the name of the Master or Keeper of the Hospital of St. John the Baptist of Lichfield and the cobrethren of the same, or that there is any convent seal of such corporation or that there is any hospital in the county of Chester called the Hospital of St. Andrew of Denwall, to the knowledge of the defendant; or that the said Rauf Eggerton and his surmised cobrethren of the said Hospital of St. John ever demised the benefice of Burton to the said Thomas Smyth and Henry Bullyng, or that the defendant hath wrongfully entered, or wrongfully expelled the complainant from the surmised hospital of Denwall and parsonage of Burton [etc. etc.].

Deposition of John Massye of Podington, co. Chester, esquier, 29 Oct. — He says that on the 24th of June last past he went to the Hospital of Denwall with John Tonge, his servant, and William Hampton, tenant to the parson of Burton (but not, as the interrogatory suggests, accompanied also by William Meyre, Thomas Gyrtre, John Heyward, John White, David Holland, David Massye, and Richard Gardyner). Tonge and Hampton had each of them a staff, the deponent a little white staff. There was no assembly of persons with him at Podington, nor can he tell how many people were there that day, for that there resort divers of the tenants thereabout to this deponent's house, by reason of his office that he beareth there.

With the said Tonge and Hampton, and one John Newall, clerk to the sheriff there, he broke open the locks of three doors

there, to the entent the sheriff's deputy might execute the commandment of the Council of the Marches upon certain of the Lady Smyth's servants that then were within the same parsonage. He cannot tell what corn was in the barns, for the sheriff's deputy made an inventory, and delivered it to two indifferent men, William Hampton and Robert Hudson. John Tonge, Davy Massye, and two or three other of the deponent's servants, who came there to hear their divine service, were present when he received the offerings there. They had no weapons, but such staves as they were wont to come to church with on the holy day. He did not procure any of the tenants of the Bishop of Chester to come to the said church on the said 24th of June. He did not labour with Sir Henry Delves, the sheriff, or any of his subordinates, to be returned upon the great inquest for the king at the shire of Chester next after the taking and imprisonment of Thomas Weyne and Richard Weston for suspicion of felony. He never commanded Robert Benet and Richard Wilbram, or any others, to watch the closes of the said hospital and parsonage, the night those two men were taken. He has laboured to obtain possession of the parsonage according to his lease, and of his own mere motion, not commanded or maintained by any person thereto. [*Not dated.*]

[OTTYE] *v.* [HENLEY] AND WELLE*Re A DEODAND*

(S.C.P., Henry VIII, Bundle 18, No. 141)

A fragment of a document complaining of circumstances arising out of a death caused by a horse belonging to John Henly, upon which the coroner held an inquest at Chetham. The king has given the deodands in the county to Nicholas, Bishop of ——. The coroner has not certified the inquisition before the justices at the next Gaol Delivery, so that the same might be returned into the King's Bench, according to the laws of the realm. Ottye hath no remedy to recover the horse by the order of the common law, to the hinderance and let of the king's majesty's alms. Wherefore [etc. etc.]. [*No date.*]

MORE *v.* EGERTON AND OTHERS*Re PREMISES AT PECKFORTON, CO. CHESTER*

(S.C.P., Henry VIII, Bundle 18, No. 154)

To my lorde Cardinalles good grace. Shewith your dayly orator Robert More of the county of Chester that, where he

hath by demise of Sir John Dudley, knight, a mease in Pekforton for the terme of 40 yeares at a rent of £10, at such tyme as he should have entered according to his lease oon Rauff Shepley of the said countie, houshold servant to Sir Rauff Eggerton, knyght, in no wise wolde suffer hym to enter, but with force by meyntenance of his said maister wrangfully kepte hym from the same. The plaintiff made compleynt to the justice and chamberleyn of the countie of Chester, who, upon sight of the bylles, answares and replications, made order (subscribed with their owne handys) that Shepley sholde departe from the said mease at Martynmas next folowyng. This Shepley refused to do, and the playntif compleyned to the king's highnes at London; and, upon his bylle of complaynte it was decreed by the kynges most honorable counsell to the right honorable my lorde of Exeter, president of my Lady Prynces counsell, that he and the same counsell sholde take order in the matter. Upon examination of bylles, answares and replications the last said counsell made order that Shepley sholde avoyde the premises by Lady Day next folowyng. Again Shepley refused to obey, and abode there by meyntenance of his master, whereupon the compleynant returned for further remedye to the last said counsell, who directed the kynges letters to Morgan Broghton, bayliff unto the said Sir John Dudley of the lordship of Pekforton, commanding him upon pain of £100 to put More in possession of the premises. Broghton sent a copy of these letters to Sir Rauff Eggerton by his household servant Richard Ayres to thentent he sholde peaceably remove his said servant. Ayre returned with the message that Broghton shoulde in no wise avoyde the saide Shepley from the house, if he attempted so to do he shulde have a prowde warne. But Broghton put into execucion the kynges commandment. And then incontynent there came from the hall of the said Sir Rauff, which is not half a myle from the towne of Pekforton, 20 of his housholde servantes by his commandement, who stode riottously about the said house, with theyre arrowes nykked in theyre bowes to have shotte at the compleynant and the said Morgan, if they colde have comyn to them. Morgan opened oon of the dores of the house and red unto theym the kynges saide letters; but they riottously continued outside, and toke prisoners oon or two honest persons whom the compleynant wolde have sent to his frendys, to show in what daunger they stode. And then the said Sir Rauff sent his steward Humfrey Hassall, with the residue of his housholde servantes, as well ploughmen, carpentars and other workemen, riottously with bylles and clubbes and worthynghokes to have drawen downe the said house or elles to have brent the same. The stewarde suffred the said Morgan to departe unhurte, because he had come to

execute the kynges commandement ; so he departed, leaving the compleynant and his brother John More in the house. And as sone as he had departed the house, many of the said riotous persons entered in, and oon Rondulph Saier, householde servant to the said Sir Rauff, and another pulled the compleynant and his brother out of the house, and put Shepley in possession. Wherefore [etc.] let writs of subpœna issue to the said Sir Rauff Egerton, Rondolph Saer, Rauff Shepley, Richard Ayre, Humfrey Wilberham, Sir John Felowe, Humfrey Stockton, William Brydd, William Bellyncham, Humfrey Hassall, Sir Nicholas Hancokson, prest, George Baguley and William Cowper [etc.].

Sir Rauff Egerton and Richard Eyer answer they are in no wise guilty.

Hassall says that it came to his master's knowledge at his dwelling house at Rydley, that a number of his household servants, being shooting in the fields, had gone to see the said Broughton make entry into the messuage with a number of persons that he brought with him. He sent Hassall to bid them avoid thence, and make no business, upon pain of loss of their service and punishment after their desert.

Wilberam, Cowper and Sayer answer that they were shooting with bows and arrows in the fields, for their recreation, when they saw persons menacing the complainant and his wife, whom they desired to keep the peace and desist. And so they stode peaceably talking with them about the space of an hour, till Hassall came, and without any stroke or hurt done they all peaceably departed.

Shepley makes answer that he holds a lease of the premises of one Sir Edward Gyfford, guardian to the said Sir John Dudley ; and after Sir John came of age, he promised Sir Rauff Egerton that Shepley should remain tenant of the premises. The complainant by sinister labours obtained a lease from Dudley, and with force put out Shepley, his wife and children. When the council made order as above, he avoided the premises. [*No date.*]

ARTICLES AGAINST SIR WILLIAM BRERETON AND OTHERS

Re MURDER OF LAURENCE SWETTENHAM¹

(S.C.P., Henry VIII, Bundle 18, No. 162)

To the kyng our soveraigne lorde and the lordes of his most honorable counsaill. Articles alleged by Alice Swetenham, wydowe of Laurence Swetenham, and William Swetenham,

¹ See *ante*, p. 20.

fader of the said Laurence, against Sir William Brereton, knyght, John Fytton and Thomas Bulkeley, esquiers, for meyntening and comforting John Cotton, George Cotton, George Beryngton, John Deen and William Deen, indictyd for murtheryng the said Laurence Swetenham.

When Henry Cotton, one of the murderers, was arrested and imprisoned at Congleton, William Brereton, clerk, vicar of Wereham, took him out of prison without any authority of the law, and kept him in company from alehouse to alehouse of the said town, and there the said Henry tarried for 5 days next ensuing, Sir William Brereton being then and yet mayor of the said town.

Sir William had a letter sent him by John Briddon [*or* Brydon] the principal murderer, which would prove ready knowledge of the cause of the murder. Brydon has been suffered to escape after Sir William had spoken with his (Brydon's) wife.

William Swetenham, elder brother of the said Laurence, who was in service with Sir William was by him prevented from giving evidence, and afterwards discharged.

Thomas Bulkeley, Edward Bulkeley his servant, and 4 other of his servants were at Brereton Grene at the time of the said wilful murder, and abetted the same, and aided the murderer to escape by a back door. Within 6 days Brydon was in company with Thomas Bulkeley at Newport in Salop [etc.]. [*Not dated.*]

CLUTTON *v.* BOLTON AND OTHERS

Re LAND AT BUERTON, CO. CHESTER ¹

(S.C.P., Henry VIII, Bundle 18, No. 212; Bundle 22, No. 238; and Bundle 25, No. 182)

To the kyng our sovereign lorde. Humbly compleynyth Harry Clutton that, where he has a lease of 70 acres of pasture and arable land in Bureton, co. Chester, called Achalffe, granted about 17 Hen. VIII [1525] by Sir William Tyrvyllle, knight, and Dame Jane, his wife (the premises being part of her jointure), he continued in peaceful possession till 26 October 21 Hen. VIII [1529] when one Hughe Bolton, Thomas Hayston, Henry Bolton and William Clevely of Hankelowe, karuers, riotously entered the premises, and put in 25 head of cattle to destroy the same, and also beat his wife, putting her in jeopardie of her lyffe. Wherefore [etc. etc.].

Bolton answers he is in no wise guilty.

He is examined 18 October 22 Hen. VIII [1530] then aged 28. The land in question is but 20 acres; neither he nor his servants laid hands on the said Margery.

¹ See p. 125.

BUTLER *v.* RISLEY*Re* LANDS AT CULCHETH, CO. LANC.

(S.C.P., Henry VIII, Bundle 18, No. 215)

The answer of Henry Risley to the bill of complaint of Sir Thomas Butteler, knight.¹ He denies that he holds of the plaintiff lands in Culchet by homage, fealty and escuage, and the rent of 2s. 7½*d.* yearly, or that with 8 other people he riotously made assault on Richard Parker, or that he is unlawfully borne there in the country by any man of great might and power, or that any persons in that country be so borne except only certain vagabonds and misruled persons living in Weryngton and nigh there, which be borne by the said Sir Thomas and his wife, as is well known through all that country. [*Not dated.*]

ARTICLES AGAINST THE CORONER OF
WIRRAL, CO. CHESTER*Re* MURDER OF RANDLE DAVENPORT²

(S.C.P., Henry VIII, Bundle 18, No. 222)

Artycles of complaynte of misdemeaours comytted by Henry Hookenhall, coroner of Wirrehall, agenst the kynges peace and crowne concernyng the dethe of Randall Davenport. Of the speciall favor he had to Rychard Houghe, whych shamefully murthered the said Randall, he impannelled an enquest to enqyre thereuppon of foren townshypps, and put theruppon such lyght persons as were servantes and frendes to the murderer and his kynsmen.

He wolde not suffer one Wylliam Clayton, one of the kynges serjaunts in those quarters, to give evidence for the kyng nor to chalenge the enquest.

In derogacyon of the kynges crowne he sufferyd Edwarde Mynshull, Hugh Calveley, Thomas Gravenor, and dyvers other mayntenors of the seid murtherer to give evidence agenst the kyng in excuse of the seid murderer.

He seyde uppon his own mynde wylfully that yt had not bene seen aforetyme that any suche chalenges sholde be made at a coroner's enquest, and wolde put theruppon whom yt pleaseth hym and abyde the jopardye thereof.

He presumptuously did rede a letter to the enquest that came

¹ See *ante*, p. 50.² See p. 113.

from Richard Houghe, the murtherer, in excusing hymself of the seid murder agenst the kyng, in hurt of hys laws and contrary to his seid offyce.

The seid serjaunt requyryd the seid coroner that he myght go into the house where the enquest was put after yt was chargyd, and he wolde not suffer hym to cum where they were to enforme them of no thyng uppon the kynges behalff; nor wolde he suffer hym to here and be by at the takyng of the verdyt for the kyng, to thentent to make it in forme of the lawe, but did cause hym to avoyde the church where he satt, and locked the church dore to kepe hym oute, that he sholde not be prevy to the same.

He procured the seid enquest to folowe hys mynde in gyvyng such verdyttes as were gyvyn, and caused them to fynde the seide Garatt as pryncypall with the seid Houghe, because he was present, and seyde yt was the lawe that they must nedes so doo. Whereuppon they found that he was present, and the coroner hathe retornyd the seid enquest other wyse uppon hys own mynde, and lefft oute twoo of theym that wolde not agree to hym. Item, where afore the kynges commysyoners a byll was agreed uppon by the enquest to be founde, the seyde coroner concelyd that byll and wolde not suffer theym to fynde that byll so agreed uppon, but procured them synysterly to fynde a nother byll contrary to the trewth in perversyon of the kynges lawes. [*Not dated.*]

DRAKE *v.* STARKEY AND OTHERS

Re MURDER OF ROBERT DRAKE IN CO. CHESTER

(S.C.P., Henry VIII, Bundle 18, No. 256)

Interrogatories for Thomas Drake agaynest Thomas Starkye, squier, and others :

Did Robert Woodward, the day before he and others slew Robert Drake, make an appointment to take a distress of certain ground to which Woodward made title ?

Did Thomas Cantye, Thomas Willom, Thomas Twis, Richard Ince, John Hamnett, Thomas Robynson and Richard Woodward go with the said Robert Woodward and David Grey upon Palm Sunday last past to Badeley [etc.] ?

Was Thomas Cantye then household servant to Thomas Starkye, and did Starkye keep him in his house after the murder ?

Did the persons named return to their own dwelling places and to their parish church immediately after the shire which was holden at Chester next after the murder was committed, because they had knowledge they were not indicted by the coroners'

quest nor by the great inquest at the said shire; and did they withdraw themselves and their goods, for fear of the said murder, about the shire holden at Chester next after Trinity Sunday last past, lest they should then have been indicted?

Was Robert Woodward wearing Starky's livery at the time the murder was committed?

Did any of the coroners say that they would not stand in danger to be undone for such persons as were fled, and durst not show their faces in their own causes?

Did John Starky, son and heir of the said Thomas, move any of the coroner's quest at the last said shire to stick upon their first verdict, or else they undid his father and his cousin Honkyn Maynwarding?

Did Thomas Whytney counsel the quest to find no more guilty, but only the said Robert Woodward and David Grey?

Have the others named resorted with Woodward and Grey at Wrenbury since they were indicted?

Might not Starky have taken them upon Good Friday last, if he would have put his goodwill thereto, at Wrenbury, when Rondulph Maynwardyng, squier, came to the church there at service time to the intent to take the said murderers. [*No date.*]

HILL v. CHEYNE AND OTHERS

Re TRESPASS AT WISTASTON, CO. CHESTER

(S.C.P., Henry VIII, Bundle 19, No. 3)

To . . . Thomas, Lord Legate, Cardinal Archbishop of York, Primate of England and Chauncellor of the same. Shewith unto your grace your dayly orator Robert Hill of Nantwiche, co. Chestre, that whereas (on 26 October 19 Henry VIII [1527]) he toke to ferme of one Margarete Cheyne, late of Hatherton, widowe, and of Edward Mynshull, squier, two pastures in the lordship of Wixterton called the Lougher Aspals and the Olde Lees, paying hir in hande £9 8s., nevertheles by hir grete crafte in 20 Hen. VIII, she had the complainant's cattell driven oute of the said pastures, and distroyed corne, which he had sowed; and of hir grete might, she put oon Roger Wright of the said Wiche the yonger in possession of the premises, and yet berith him in thocupacion thereof. He begs a subpœna summoning them to appear in the chancery.

Pledges of the prosecution: Richard Stanes of London, yoman; Richard Buller of London, sherman.

Endorsed: Before the king and his council at Westminster in the Quinzaine of Holy Trinity next.

THE PECULIAR OF THE MANOR OF CLIFTON

(S.C.P., Henry VIII, Bundle 19, No. 24)

Interrogatories administered on the part of John Whetely.

Edmund Strethey, clerk, commissary to the Bishop of Chester, sayth that he hath byn commissary there by the space of 8 yeres, and never knew or herde that any the tenantes and inhabitantes within the precinctes of the manor of Clifton had at any tyme their testamentes and last wylles provyd at the court holden within the same manor before the Steward. In his time one Grimdiche, baylife of the said manor, being executor of a testament (but whose he cannot tell) dyd refuse to prove the same before this deponent alleging the privilege belonging to the manor. For his contumacy therein this deponent did execute him, and upon his absolution, he provyd the same testament before this deponent. He has herde that the testament of oon John Derby, tenant of the said manor, was proved before Mr. Stokesly, predecessor to this deponent; and dyvers other testaments of such tenantes have byn provid before this deponent and his predecessors, whose names he doth not now remember. Thomas Segge, apparitor to the Commissary of Chester, sayth he hath known dyvers such testaments provyd before the steward of the said manor since Mr. Hercy hath byn lord thereof, but never before to his knoledge, which is by the space of 20 years or thereaboutes. The will of one Derby, tenant of the said manor, was proved about 20 years since before the Bishop of Chester and his officers. [*Not dated.*]

CLUTTON *v.* BOLTON

Re LAND AT BUERTON, CO. CHESTER¹

(S.C.P., Henry VIII, Bundle 19, No. 52)

To the kyng our soveraign lorde. Humbly shewith Mary Clutton, wydoo, administratrix of her late husband Henry Clutton, that, whereas he exhibited a bill in the Star Chamber against oon Hugh Bolton of Hankelowe and others for riotous entry into his land at Bureton, which he occupied of the demise of Sir William Tyrbyll and Dame Jane, his wife, and produced witnesses, whose deposicions were taken in the said court, the said Henry afterwards died; and the said Bolton, by the beryng, suppurtacion and unlawfull mayntenance of Sir Randulph Pole,

¹ See p. 121.

clerke, beyng a man of grett possessions, kyn and aliance in the said countie of Chester, in March and April 22 Henry VIII [1531], after the decease of the said Henry, forcibly entered again and expulsed your oratrix, being a very poor wydoo, with nothing to live uppon but only the said farm ; wherefore [etc. etc.].

SMITH *v.* DELVES

Re MANORS OF WESTON AND CHORLTON, CO. CHESTER

(S.C.P., Henry VIII, Bundle 19, Nos. 97 and 134)

To the kynges highnes. Sheweth your faithfull subject Lawrence Smyth, esquier, that he inherited on the death of his father, Sir Thomas Smyth, knight, the manors of Weston and Charleton, co. Chester, the tenants of which, time out of mynd, hath used to have common of pasture in great waste groundes called Charleton Heth and Weston Heth as common appendaunt, according to the rate and quantitie of their tenures. Now of late, one Sir Henry Delves, knight, tenant to the complainant for certain lands in the said manors by certain services, has commanded dyvers of his tenants with force to enclose divers parcels of the same waste groundes to the number of 100 acres. On 10 August last, the complainant sent one or two of his household servants in peasible manner to have opened certain places of the hedges of the parcels so enclosed, to the intent the tenants might occupy their common there again ; thereupon Humfrey Wodnot, Nicolas Wodnot, Rychard Scryvyner, Randolph Lovedy, Randolph Wodenot, Robert Titteley and Robert Wesbroke, accompanied with other riotous persons to the number of 16, assembled by commandement of the said Sir Henry Delves at Chorlton aforesaid, and wolde have slayne the said servantes had they not escaped away. Wherefore [etc. etc.].

Sir Henry Delves says that *he* has inherited the said manors from his ancestors, with the said waste grounds, and that his tenants have used to plowe and sowe the same wast ground, some yeres more, some lesse ; and by all the time the said ground is so sowin it has always used to be closid, and when the corn is severyd and taken away, the land lies opyn. Delves and his ancestors have taken the profits thereof for 200 years. [*No date.*]

ABBOT OF FURNESS *v.* REDMAYNE*Re* RECTORY OF URSWICK, CO. LANC.

(S.C.P., Henry VII, Bundle 19, Nos. 129 and 31)

To the kyng our soveren lorde and to his most honorable and discrete counsell. Complayneth your faythfull subgett and chaplen Alexander, Abbot of Furnes, co. Lancaster, that, whereas he and his predecessors have been peasseable seasyd of the rectory of Ursweke, with tythes of all maner of graynes within the said parish, whereof the towne of Lytyll Ursweke is parcell, and have used of long tyme to ferme the tythes of the said towne to the vicary of the seid church for the better mayntaynyng of his house, until lately about 24 yeres last past, one Wyllyam Redmayne made such importunate labour to your said subgett by Mayster Sir Crystofer Ursweke, that tyme being archdeacon of Rychmond, and other of his frendes, so that at lengthe he dymysed the seyde teythe to the seyde Redman for 5 yerys, and after that term ended suffred hym to occupy the same for 15 yeres more. Then, intending to lette the teythe to the seyde vykar agayn, he discharged Redman therefrom. But on 5 Sept. 19 Henry VIII [1527] Redman carried off the seyde teythe by force; and agayn on 5 Sept. 20 Henry VIII [1528] did the same, assisted by Thomas Fell, Robert Colton, Niclis Freres, John Greneope, Austen Leche, William Colton, John Colton, Wyllyam Barrey, Christofer Gardyner, George Gardyner, William Walwen, and Thomas Hoghen, Kateryn Fell, Agnes Gardiner, Kateryn Freres, Alys Walwen, Johan Hogeson, Johan Postylwaytt, Agnes Leche, Johane Colton, and Alys Grenope. Wherefore, etc.

Redman answers that the term for which he holds the tithes of Little Urswick by demise of the abbot is not yet expired. As to any riot etc., he is not guilty.

The abbot replies he demised only for term as set forth in the bill.

HOLFORD *v.* DAUBENY*Re* A MARRIAGE SETTLEMENT OF LANDS IN CHESTER(S.C.P., Henry VIII, Bundle 21, No. 196, and
Bundle 19, No. 126)

To the Rt. Hon. Sir Thomas Audley, knight, Lord Keper of the Great Seall, and to the lordes of the kynges most honorable Counsaill. Shoyth your orator John Holford, knyght, that where,

by an indenture dated 5 May 22 Henry VIII [1530], betwene Sir George Holfford, knight, deceased, whose son and heir your orator is, and Rauf Brereton, esquier, for a marriage then to be had betwene your orator and Margerye, daughter and heire apparaunt of the said Rauf, Sir George agreed to convey to Willyam Bromley, Bartylmew Brereton, Robert Holfford and other trustees, all his estates in co. Chester or ellswhere in England, to provide rents of 20 marks yearly for the said young couple, and a provision of £13, 13s. 4d. yearly out of lands in Lostoke Gralham for his then wife Dame Isabell, if she survived him, or £20 for any future wife he should marry. On 6 June following the said Sir George and Geffrey Mylington conveyed to the said trustees the manors of Holfford, Netherpever and Plumley, to hold to the uses in the said indenture expressed.

Now one Dame Elizabeth Holfford, namyng herself to have byn the wife of the said Sir George, claims a use for her life of parcel of the premises under a surmised feoffment made at a later date, above the value of £20. A decree was made in this court, after production of the alleged deed of feoffment, that the complainant should permit her to enjoy the lands in question; but the deed, which is recited in the said decree, is of a date subsequent to Sir George's death. She is now married to Antony Dawbeney. Wherefore [etc. etc.].

Attached are: (1) Decree (3 Feb. 21 Hen. VIII [1529-30]) directing that a writ of *dedimus potestatem* be directed to Sir William Brereton, knight, Peter Warberton, John Leyceter and John Assheley, esquires, to call before them Sir John Holdford, knight, and George Holdforthe, to see that they deliver to Dame Elizabeth Holdford, now wife of Anthony Dawbeney, and the other executors of Sir George Holdford, all the goods and household stuff, which the said Sir John and George took by colour of a sequestration after the death of the said Sir George, according to an inventory; and if they refuse or let the said executors from having the same, the commissioners shall certify all depositions taken concerning the same, and the inventory, before the King and his Council at Westminster in the Quinzaine of Easter next to come.

(2) The writ above directed to be issued.

(3) The certificate of the commissioners that they summoned the said Sir John and George before them at Nathwiche, 23 March "last past." Sir John appeared not, but sent Edward Foxley and John Woodward, his servants, who said that all the goods etc. of the said Sir John set forth in the inventory shown them were in their custody, and they would make no deliverance of the same without their master's commandment. George Holford appeared personally, and declared he was willing to deliver

all such goods as had come to his hands, upon receiving a reasonable allowance for costs incurred about the funeral of the said Sir George.

(In another bill Sir John Holfford complains that, under colour of a decree made in the Sterre Chamber, Dawbeney and his wife have of late entered into a wood called Lostok Parke, which is no parcel of what the said Elizabeth can claim as jointure or dower, and there do cause great waste and destruction by cutting down grete trees, etc. And they do the like in another wood called Bryttons Bankes.

The defendants answer that the premises are part of the said Elizabeth's jointure; they have cut underwood, but not felled timber.

Holford in his replication repeats the statements of his complaint.)

HUNCOTE *v.* JENYNS

Re MURDER OF A MONK AT COMBERMERE, CO. CHESTER

(S.C.P., Henry VIII, Bundle 19, No. 158)

To the kyng our sovereign lorde. Sheweth your true liege man Giles Huncote, brother of one Dan Ottewell, late monke in the abbey of Combermere, co. Chester, that where, on the 11th of Feb. 11 Hen. VIII [1519-20] one John Jenyns, being then household servant with the abbot of the seid place, occupying the fete of tanner's craft with the seid abbot, with a dagger stroke the seid monke to the hert, and slew him out of hand. Whereuppon fresshe sute was made by oon Henry Watson, then servant to the seid abbot, to have taken the same murderer, who resorted unto Thomas Hamond, the prior, ther beyng with the seid prior one Dan Edmond, a monk, Thomas Hokingthorp, Henry Cristelton, Robert Egge and William Frenche, servantes to the seid abbot, which had brought the body of the seid dead monke into a chambre of the seid abbey, and leid him uppon a bed in his clothes; the prior refused to have the seid murdrer taken, saying: "This abbey is allredy in an evyll name for usyng of mysrule." And therefore he wold have this murdre kept secret, and that it should not be opynly knowen, for then the abbey should be undone for ever. So he desired those present to kepe counsell, and caused them to be sworn uppon a boke to concele the same. And afterwards the murdrer was kept in the abbey, and used the occupation of a barker there for half a yere and more. About an 8 weekes past oon Thomas Sounde, oon of the yemen of your moost honorable crown, havyng understanding of the seid murdre, and how the murdrer was kepte there, arrested

hym of suspecion of felony, and brought hym to your geale of Chester, where he now remayneth in prison. But he cannot be indicted because ytt is soo borne by dyvers persons of the seid shire. Wherefore the complainant begs a commission of indifferent gentlemen to enquire [etc.].

ALDERSEY *v.* DUTTON AND OTHERS

TRESPASS AT ALDERSEY, CO. CHESTER

(S.C.P., Henry VIII, Bundle 19, No. 166)

To the kynge's most royall maiestie. Sheweth your poore subject John Aldersey of Aldersey, co. Chester, gentleman, that he and his ancestors have been seased of a croft in Aldersey called the Speet (?) or Pigle, and the complainant held it for 10 years till 16th April last, when Rafe Dutton of Hatton, esquier, a gentleman of greate power and riches, of his evill will and malice, hiered Hugh Higginson, John Horton the younger, Robert Banberye, John Banberye and others, riotously to enter the same croft and lay it open to the comons. Since then he has again sent Rafe Peuk, Hughe Kirkes, James Large, Edward Bulkeley, John Horton the elder, Thomas Higginson, Nicolas Blundell, Perys Downes and others on a like errand. Wherefore [etc. etc.].

The defendants say the matters complained of are determinable before the Justice of the county palatine of Chester, where the premises do lie, and they are also within the precinct of the King's Commissioners of his Marches of Wales, where also the parties are demurrant.

JODRELL AND OTHERS *v.* LEIGH AND OTHERS

R^e RIGHTS OF PASTURE AT DISLEY, &C., CO. CHESTER ¹

(S.C.P., Henry VIII, Bundle 19, No 187)

To the kynge our sovereygn lorde. Shewe your true legemen Roger Joyderell, Edward Browne, Richard Nyxson, and John Sherle, tenants of your manor of Dystley and Weyley, co. Chester, that all tenants there have been accustomed to have pasture in the common pasture there till now, of late, on the 9th of Nov. 30 Hen. VIII [1538], John Kytheley, gent., Robert Bancrofte, yeoman, Regnold Gatscathe and Radolfe Adshyde, husbandmen, all of Hanley, wrongfully put upon the seid pasture 9 bullokes

¹ See p. 92.

and heyffers. The tenants put them into your pownde for damage fesaunt without your seid lordship, but the defendants broke the pownde, pullyng down the gatys and walles. Also one Peter Legh of Bradley, co. Lancaster, esquier, wrongfully hath entered by his extorte power in 20 acres of land, parcell of the seid comen pasture, and into one greate pole called a fysshying water there, conteyning about 6 acres, and upon parcell of the seid 20 acres he hath bylded a chyrche and two tenementes, for which he receyveth yerely 33s. 4d., and for another tenemente bylded upon the seid comen 6s. 8d., which Peter Legh is the meyntheynour of all the foresaid riotous persons [etc. etc.].

The defendant called Bestathe answers that his name is Gayscaley.

Kyghley answers that Pyerce Leigh ought to have common for his beasts in the pasture in question as lord of the manor of Lyme and Handley, within which manor he has divers tenants and farmers, among whom is this defendant. The complainants impounded the "hekforthez" in a new enclosure they had made at Dysshley; he made no riot, and did not break the king's pound etc.

The complainants say that if Legh has ever let the common of pasture to his tenants, he has done wrongfully. The new pound was lately made because the old pound was set in a low wet ground, between 2 great banks, so that the cattle put therein could neither stand nor lie dry.

Depositions [incomplete] endorsed: Brought in by Roger Kenion, servant to Piers a Leghe the elder 13 April 31 Hen. VIII [1540].

Robert Bancroft of Hannley, co. Chester, husbandman, aged 30, says that Roger Jodrell, accompanied by Nicholas Ryndles, John Pott, Edward Wyndles, Robert Cleyton, Randolf Clayton, John Sherley, Rauff Bennet, Edward Crabtre, Laurence Bradbury, Rauff Hurste, John Pownall, Hugh Weryngton, Philip Yonge, Anthony Yonge, Laurence Pawnall, Roger Weryngton, Roger Sherle, Richard Sherle, William Wodroulf, Richard Yonge and John Clerk, took the 9 heifers between Michaelmas 30 Hen. VIII and All Hallows day next following [etc.].

Reygnold Gaitschayle of Hanley, husbandman, aged 25, deposes as above.

Reignold Cleyton of Buckstones, co. Derby, husbandman, aged 40 years, brought in a testimonial of the saying of Edward Clayton, his father, now deceased, saying that the said Edward Cleyton of Buckstones, yeoman, aged 80 yeres and above, was born in a place in Hanley, co. Chester, called the Cornefelde, and was inhabiting there by the space of 40 yeres next after his birth. And on 6 June 31 Henry VIII [1539] he did testify afore William Laplull, servant to Mr. William Moreton,

Thomas Rothewell, Richard Hughe, Robert Bancroft, Hugh Fowle, preist, John Clayton and Reignold Cleyton, his sons, and was ready to affirm the same by his book oath, that he hath known one Jake Yonge, Jankyn Sclater, Wylcoke Nyckson, Jankyn Nyckson and Sander Gee, inhabiting within their times in the townships of Wayley and Hocurley, make hedges between a certain parcel of the ground of the herbage of Hanley named the Broom Croft, now in the holding of Edward Smyth, and carried tynsell to make the hedges out of the common woods of Dyshley. And one Jankyn Warnebye, tenant in his time at the said Bromecroft, having turbary and common of pasture within his own tenement better than was on the said common of Dyshley; caused the said persons to defend between him and the said common, until such time as one Hugh Stanley did marry a daughter of Jankyn Warnebie named Agnes Warnebie, and by her he had the tenement that her father dwelled on; and then to the intent that he might have liberty with his cattle to the said common of Dishley as other his neighbours had, he was content to defend betwixt his tenement and the common.

William Nayler of Heydok, co. Lancaster, yeoman, aged 66, says that 50 years fully past the towns of Hanley and Dyshley did lie open together, and not enclosed, from a certain enclosure in Hanley called Bollington Hurst unto another tenement there, where Hugh Stanley then inhabited, which was the space of a quarter of a mile; and the inhabitants of the two places often trespassed in the other's pastures; so that the inhabitants of Hanley, perceiving they had sustained great hurt and loss, were constrained to impound the cattle of the inhabitants of Dishley, and one Nicholas Jodrell, father of the said Roger, in the name of himself and other freeholders of Dishley, desired Sir Peres Legh that there might be some good order taken between them. It was then agreed between the king's freeholders and charterers of Dishley, on the one part, and Sir Peres Legh and his tenants on the other, that the tenants of Sir Peres dwelling in Hanley, should make hedges and ditches between Hanley and Dishley, and that the tenants of Hanley therefore should have yearly ease upon the waste or common of Dyshley from Michaelmas unto the Invention of the Cross.

John Legh of Dyshley Stannley, co. Chester, gentleman, aged 60, sayth that he dwells in Dyseley in a certain chief mease there called Stannley Hall, and saith that he ought to have and has common of pasture therefore in the King's waste of Dyseley. But Roger Jodrell and other inhabitants of the township of Weyley, came to the said waste, and contrary to his mind and good will, wrongfully made a new encroachment, and named the same a pinfold. Whereupon, being ignorant of any decree

made in the Star Chamber for the continuance and standing of the said new pound, accompanied with John Nelson and John Berwyke, he pulled down the said encroachment in his own right.

Depositions taken on behalf of the complainants 21 April 31 Henry VIII [1540].

The abovesaid John Legh cannot tell how many times the same pound has been pulled down; but on St. Andrew's day last, accompanied by John Nelson, John Barwyke, William Stanley and Roger Kenyan, he pulled down sundry places of the said pound, which, he says, was unlawfully set up there. It was so pulled down by the commandment of Peter Legh. It is untrue that Peter Legh commanded that, if they could take one Roger Joyderell, gent., they should cut in sunder the legs and hock sinews of the said Joyderell, and pull his dwelling house down.

John Nelson, servant to Peter Legh of Bradley, co. Lancaster, saith that he hath dwelled with his master but a short time, and doth not know the townships in question.

John Barwyke, also servant to the said Peter Legh, doth not know the country.

The 15th interrogatory (to which no deponent makes answer) asks whether one Peter Legh the younger, John a Legh, uncle unto the said younger Peter Legh, Roger Legh, son of John Legh, William Shere, Roger Kenyon and others, came armed to the dwelling-house of the said Joyderell on Saturday before Christmas day, to the intent to execute the said mischief upon the said Joyderell.

HATTON *v.* HATTON

Re LANDS AT HATTON, CO. CHESTER

(S.C.P., Henry VIII, Bundle 20, No. 58)

To the kynge our souerayne Lorde. Sheweth your true subyet Thomas Hatton that one Laurence Hatton of Hatton, co. Chester, with 12 or 14 other persons, on 20 Oct. last, assembled to make forcible entry into 9 acres of land belonging to the complainant at Hatton, in a field called Kystey Feld, and 3 acres in divers parcels in other places in the same town, so that his farmer thereof durst not abide there, but fled, whereupon the said Laurence and his company entered [etc. etc.].

Endorsed with order for issue of a subpoena to the defendant, to appear before the king and his council at Westminster in the Octave of Hilary, under a penalty of £100.

By command of the Lord Chancellor and others of the Council, 24th November [*date blank*]. (Signed) EDEN.

LEIGH *v.* JODRELL AND OTHERS*Re* PASTURE AT DISLEY, CO. CHESTER ¹

(S.C.P., Henry VIII, Bundle 20, No. 71)

Writ (8 Feb. 31 Hen. VIII [1539-40]) directed to John Massye of Podington, Richard Bedulf and William Moreton, esquires, and Thomas Duncalf, gent., commissioning them to examine witnesses on behalf of the complainant.

Depositions taken at Grapnall, co. Chester, 30 March 31 Hen. VIII [1540]. Olyver Adshed of Pottshrygley, co. Chester, husbandman, aged 72, says that Dysshley and Weyley are two several towns and in two several parishes. The complainant has 7 meases in Hanley near adjoining the king's common of Dyshley. The tenants of these houses have always occupied the said common with their cattle from Michaelmas to the Feast of the Invention of the Cross, until about 2 years since, when they have been disturbed by Jodrell and other inhabitants of Weyley. John Kyghley and Reignold Gaitscayle are farmers unto Leigh for two of the said meases. The inhabitants in Ketushulme make the hedges and fences between the township of Ketushulme and one closure in Hanley called Reede. There was no pound to the king's use upon Dyshley common until about 2 years past, when a new one was erected, contrary to the wishes of divers "fosters in fee" in the Forest of Macclesfield and freeholders of Dysshley; it was not made by order of any law. The king's pinfold at Macclesfield was used of ancient time. He was present in the king's court at Macclesfield, when Sir Peres Legh, father to the Sir Peres that now is, took by copy of court roll certain parcels of the waste in Dysshley to build a chapel thereon. Notwithstanding the said parcels be encroached, the inhabitants of Dysshley and Weyley have common of pasture for 2 miles in length and $\frac{3}{4}$ mile and more in breadth. They had little profit from the parcels now enclosed, howbeit great hurt to their cattle in one parcel of the same called Deane Lache, before the same was enclosed.

Hugh Woode of the same place, aged 60, deposes as above.

John Pott of the Donge, co. Chester, yeoman, aged 54, says to his knowledge the people of Dysshley and Weyley ought to make their fences between the waste and the lands called Hanley; they ought either to make the fences, or allow Leigh's tenants to enjoy common. William Radclyff, esquier, steward of Macclesfield, was not agreeable to the making of the pound.

¹ See p. 92.

Similar evidence is given by Roger Smith and Laurence Pott, both of Reynall, yeomen, aged 60 and 50 respectively, and Robert Baghe of Paynton, husbandman, aged 76.

John Downes of Overton, co. Chester, gentleman, one of the king's "fosters of fee" of the Forest of Macclesfield, has examined other persons, some being of the age of 80 years, who knew Hanley when there have not been but two persons inhabiting there, and they had common in the said waste. There was never any pound to the king's use within the Forest, except at the town of Macclesfield or within the Forest itself. All other folds within the Forest have been used only till such time as it could be proved whether the cattle belonged to a stranger or a commoner. Sir Peres Legh, kt., in his life, sent to Roger Downes of Worth and John Sutton of Sutton, esquires, and to this deponent, being all "fosters in fee," desiring them to grant him their good wills to enclose certain parcels of the waste of Dyshley, to the intent that he might thereon build a chapel and lodgings, and make gardens, as well for the ease and profit of the priests that in the said chapel should minister, as for divers other considerations concerning the weal of the said chapel. They all gave their favourable assents, as did also Nicholas Jodrell, father of the said Roger Jodrell, at that time one of the freeholders of Dyshley and Wyley.

Like testimony is given by Robert Showre, Jhon Marrsheland (64), Thomas Coterell (55), Thomas Lymey (60) all of Poynton, husbandmen, John Taiyler (50) and Robert Whiteacres (57) of Northbury, husbandmen, and Henry More of Wyley, blacksmith, aged 60.

LEIGH *v.* SWINDLES

Re PASTURE AT DISLEY, CO. CHESTER

(S.C.P., Henry VIII, Bundle 21, Nos. 126 and 256¹)

To the kynge our soveraygne Lorde. Complaynythe Peres Legh, esquier, one of your fosters of fee by inheritaunce to hym and his heyres of the Forest of Macclesfeld, complaining he has been disturbed in the enjoyment of common of pasture at Dystley (enjoyed by all whose estate he hath in the same office) by Edward Swyndles, accompanied with Roger Sherle, John More, William Broke, Gryffyth Broke, Roger Broke, John Wodroulf, Rychard Nycson, Rauff Bennet, John Clercke, James Sherle, Rauf Hurste, Richard Yong, John Smythe, Laurence Hyll, Rauf Pownall, Richard Wyeld, Antony Yong, James Pownall,

¹ Calendared as documents belonging to the same suit as the last.

Roger Weryngton and others, who on 20 Sept. 30 Hen. VIII [1538] riotously drove his sheep and a cow into an enclosure newly erected with stone upon the wast grownde there, and kept them there without sustenance by the space of two days. They did kepe and watche the sayd enclosure both by nyght and day, with gret exclamacions and thretenynges, whereby the kynges subjectes were put in gret feire. Wherefore [etc.].

Deposition of John More of Weeley, co. Chester, smith, taken 11 Feb. 31 Hen. VIII [1539-40]. He never knew the plaintiff or his ancestors have any common for cattle upon the said waste, but only for his three tenements. The sheep were impounded, but without keeping watch, or any threatenings or exclamations. The king's pound has been set in the township of Distley by all the time of his remembrance, but not in the very same place that now it standeth in; it was made by the advice and consent of all the king's tenants and freeholders of Dysteley. Some cattle were driven to Macclesfield for lack of a pound in Dysteley when it was down. The new pound is set within two "flyteshotes" of howses.

BRERETON *v.* SWETTENHAM

Re MURDER OF LAURENCE SWETTENHAM¹

(S.C.P., Henry VIII, Bundle 20, No. 175)

To the most Reverent Father in God, Thomas, Lord Cardynall, Archbyshop of Yorke, and other the lordes of the kinges most honorable Councell.

Sheweth Sir William Brereton of your countie of Chester, oon of the knyghtes for the body of our soveraign lorde the king, that whereas one William Swetnam of your said countie, gentelman, and Alice Swetnam, uppon divers feyned causes have caused hym to be sent for by privie seale, and to give attendance before your Grace and other the lordes of the kynges counceill in the Sterre Chamber by the space of twelf monethes, except the last Ester terme that your orator was absent by licence of your Grace, and bounden to appere agayn this present term; not therewith satisfied, during your orators absence the said William Swetnam has slanderously reported before your Grace in the Sterre Chamber that your orator should be perjured before your Grace, and also that he should cause the said Alice Swetnam, daughter in law unto the said William Swetnam, to take an agreement with oon John Thorley, appealed for the dethe of Laurence Swetnam, late her husband, and that

¹ See p. 20.

he should pay unto them 40s. for the said agreement, and that he should compel hir to take the same 40s. for amends, whereas of trouthe the said William Swetnam was the only causer of that agreement and receyvor of the said money, but whether to his owne use or the use of the said Alice your Orator knowith not. The said agreement was openly made in Congleton uppon the market day, not knowing to your orator. And within fewe daies after for knolege of the said agreement, William Swetnam was at the marriage of the said John Thorley in the parisshe church of Astbury. Wherefore [etc. etc.].¹

Alexander Penford of Congleton, aged 56, deposes (4 Sept. 8 Hen. VIII [1516]) that about Christmas last past he was deputy under Sir William Brereton, then being mayor of Congleton, and he attached Henry Cotton for the said murder and brought him into ward in the gaol hall of the same town, delivering him to William Roode, one of the constables of the said town.

Thomas Grene of Congleton, aged 67, deposes that he was present when Brereton took sureties of the said Harre Cotton.

WICKSTEAD *v.* MAINWARING AND ANOTHER

Re ABDUCTION OF INFANT HEIR

(S.C.P., Henry VIII, Bundle 20, No. 177²)

To the king, our soveren lorde, and to his most honorable and discrete councell. Petously complayneth Elizabeth Whyksted, wedowe of Thomas Whyksted, that whereas on the 3rd of January last past the said Elizabeth was at her dwelling house of Whyksted within your county pales of Chester, one John Maynwaring thelder and Thomas Morall, with 6 other armed persons, riotously broke into her said house, and there fyndyng your said subject and her chylderne to the nombre of 10 chylterne with hir in their beddes, did forcibly take one of hir said childerne callyd Hugh Whyksted (being but of 9 yeres old) nakyd out of his bed, and caryd hym out of your said Chester pales into your countie of Shropshire, where they yet kepe hym in some place unknowen. Wherefore [etc. etc.].

The defendants answer that the said Thomas Wyksted held by knight service and a rent of 1*d.* from George, Erle of Shrewis-

¹ The Calendar here refers to papers filed as No. 113 of Bundle 113, but these are actually the draft of Brereton's answer, and affidavits in the original suit of Swettenham *v.* Brereton. See above, p. 120. Brereton is examined 21st November 8 Hen. VIII [1516].

² In very bad state.

bere, 2 meases and 40 acres of land in Wyksted, Wriswall and Bradeley. As servants of the said Erle, without any breach of the peace, they went to Wykstede to fetch the said Hugh, being under age and heir to his father, and brought him to the same Erle to the castle of Sheffield. [*No date.*]

ALDERSEY *v.* ALDERSEY AND OTHERS

Re LANDS IN CO. CHESTER

(S.C.P., Henry VIII, Bundle 20, Nos. 182 and 306)

The answers of William Aldersey to the scandalous, feyned and untrue bill of John Aldersey. He says that, before the demise pretended to the complainant, Rauf Dutton made a demise of the close of land in question to this defendant for certain yerres yet enduring. In September last the complainant had alike feigned suit against the defendant before the King's Council in the Marches of Wales for this very title, when it was dismissed out of the court. He has likewise taken an action at the common law at Chester in the same matter. On the 1st day of April, the day of the supposed riot, this defendant, being one of the burgesses for the city of Chester, and William Abram, one other of the defendants, then being his servant, were both here at the city of London attending upon the king's high court of parliament.

The other dependants are Robert Brome and Robert Hey, who deny the allegations made in the bill. [*No date.*]

DUTTON *v.* ASTON AND OTHERS

(S.C.P., Henry VIII, Bundle 20, No. 220)

Order made 23 Nov. (22 Hen. VIII [1530]) upon long debating of the matter depending between Sir Piers Dutton, of the one part, and Thomas Aston and other his coporcioners of the other part. It is ordered that the Chief Justices of the King's Bench and of the Common Pleas, Sir Anthony Fitzherbert, Sir John Porte, Sir Thomas Englefeld and Mr. Shelley, Justices, shall have the examination and hearing of the same matter, and shall report thereupon and ascertain the lords of the king's most honourable council what they do find and perceive therein. Further, neither of the said parties, escheator nor sheriff of Chester, shall procure, labour nor take any inquisition concerning the said matter until it be otherwise ordered by this court.

BENGER *v.* STANLEY¹*Re* MANORS OF RISHTON AND DARWEN, CO. LANC.

(S.C.P., Henry VIII, Bundle 20, No. 249)

Interrogatories for the part of Robert Benger against James Stanley, esquire, and other, whereof he prayeth that Thomas Broughton and Nicholas Haworth may be examined.

These interrogatories suppose a lease made by James Stanley and Anne, his wife, to Benger of manors and lands in Rissheton, Sidebright and Derwen, the rents of which were gathered by Benger or by one Nicholas Levesay, his deputy. That Antony Talbot, Thomas Jelybrond and William Alan about 15 July 20 Hen. VIII [1528], which was about a fortnight after the death of Sir William Compton, forcibly entered into a parcel of the manor of Derwen. That the said James Stanley, Robert Talbot, clerk, otherwise called Parson Talbot, Antony Talbot, gent., Thomas Talbot, Thomas Jelybrond, Richard Makyn, William Alen, Edmond Core, William Tarleton, Thomas Skylykorn and Hugh Lathom forcibly entered lands called Sidebright, parcel of the manor of Rissheton on 18 Sept. 20 Hen. VIII, when Stanley bade the tenants pay no rent to Benger. That Gyles Hendyll, Nicholas Haworth, John Fisse, Raffe Holden the elder, George Asponden and James Fysse, forcibly entered the manor of Derwen 26 Nov. 20 Hen. VIII. That Richard Makyn, servant to James Stanley, Richard Feilden, Nicholas Feilden, George Abbot, Henry Feylden, Thomas Broughton, Thomas Feilden and Thomas Fysse of Blakborn, forcibly entered the manor of Rissheton on the 30th of the same month.

GOLBORN *v.* BELLOTT AND OTHERS*Re* A STREAM AT ODD RODE, CO. CHESTER²

(S.C.P., Henry VIII, Bundle 20, No. 335)

To the right honorable Sir Thomas More, knyght, Lord Chaunceler of Yngland. Shewith Richard Goburn that he holds a lease from Alice Morton, wydoo of William Morton, late of Odred, co. Chester, of two corn mills and a mill called a Smyth' in Odred, to which mills there has come time out of mind a stream of water rising in a hill called the Molle. Now one John Furnevall, yeoman, Hugh Rathebon, Rauff Furnevall and Kateryn

¹ See *ante*, p. 31.

See p. 104.

Roo, by the procurement of one John Bylott, on 12 March 21 Hen. VIII [1529-30] broke down the banks of the said water, so that the complainant can no longer maintain his wife and children by the work of the said mills [etc.].

A commission issued 11 July 25 Hen. VIII [1533] to Sir William Brereton and Sir Thomas Smythe to examine witnesses and determine the matter, or to certify the depositions taken to the king and his council.

Witnesses on the part of Belot:—John Tunson, aged 78, says the water in variance ran to Moreton's mylne about 50 years past, when Moreton made a blomesmethe, and syth that tyme it hath been many times turned, sumtyme to Roode and Moreton, sumtime to Belot. Before the blome smethe was made, the olde course of that water was from Molle hyll to Rathebons gate, and so to Alcome Lowe, and so to Spen Grene and other villages; unless otherwise compelled, he supposeth it would go neither to Moreton mylne nor Beylottes. Rauf Moreton first turned the water to Moreton's mylne, when he made the blome smethe about 50 years past.

Sir Henry Knyght, chaplain, aged 55, deposes as to the course of the water for 15 years past.

Roger Dale, aged 60; Sir James Broke, chaplain (26); Edward Bulkeley (70) give similar evidence. The last has heard that the meyre forte and the great stony benche of Molle were meres betwix the lordshippes of Odrode and Moreton.

John Rathebon (60), John Dale (50) and Roger Pylkynnton (60) depose in like manner.

Witnesses on the part of Alice Moreton:—William Salt (aged 80), says the water hath its spring in Moreton's freehold, and hath of late been turned by Rood and Belot, out of its course, by one Thomas Roode when Roode was at variance with Moreton about 40 years past. Thomas Rathebon and his father John Rathebon have paid rent to Moreton and Roode for the land where the water springeth. He has heard that the hedge of Roo parke and a yate nigh thereunto are the meyres betwix the said lordshippes.

Nicholas Whelok, vicar of Bedull, has a remembrance of about 30 years; he says that William Laplove, tenant to Belot, paid rent to Moreton and Roode for the land where the water springeth. The hedges, as they be now enclosed, are the meyres betwix the lordship of Roode (being Moreton's and Roodez) and Moreton (being Belottes).

Thomas Cartwrygh, born in the lordship of Odrode (70), John Laploue (54), Richard Drakeford (48), William Laploue (44), Thomas Wyldblode (55), Gralane Kelyng (60), John Cartwright (52), Richard Cartwright (56), William Byrdon (70) and Rauf Whelok (36) depose as above.

On behalf of Bellot :—The deposition of Sir Henry Knyght, chaplain, aged 46. He says the well springs upon Mollehill in the parish of Astbury, in a waste ground and common, which is the freehold and inheritance of John Bellot, William Moreton and Thomas Roode. By the space of 13 years 26 years ago the said Sir Henry dwelled with Thomas Bellot, grandfather to the said John ; and then the water ran into the ground of the said John Bellot in the holding of Thomas Rathebon, and so directly to a common called Brownlaw and a ground of Thomas Lyversage called Alcomlowe, and not at that time to the milne and smithy of the said Alice. The said Thomas Bellot many times digged turves on the N.W. side of Mollehill, without let of any man.

Edward Bulkeley (aged 66) says that John Belot's father Thomas did delve turves in like manner.

Memorandum that on 16 Jan. 22 Hen. VIII [1530-1] ther came before us John Sutton and Roger Legh, commissioners, Sir Andrew Sherott, chaplain to Alice Moreton, widow, and deposed upon his oath that he heard Rauffe Whelock, aged 82, born in the lordship of Odde Roode, within a quarter of a mile of Molle hill, say that he knew the said hill and the occupation thereof since he was 7 years old. The Belotts never had common nor occupation there, but for the rent they paid to the lords of Roode. Whelock's father's house was served with water from the said well.

William Westyche, aged 60, John Laplove (50) and William Laplove (40), all of Odrode, depose in like manner.

Thomas Nickeson, aged 92, says he has been workman at a smithy that went upon the said springs above 40 years ; he never knew the wells to have other course but within the lordship of Rode, until such time as there was variance betwixt Raffe Moreton and Thomas Rode, when for malice it was turned. And what court soever the foresaid men be called to, they will say thus with all their neighbours.

HOPWOOD *v.* HOPWOOD

Re HOUSE AT MOTTRAM, CO. CHESTER

(S.C.P., Henry VIII, Bundle 21, No. 12)

To the kynges hyghnes. Shewith your subject John Hopwode of Staveley, co. Derby, that Rauf Hopwode of Manchester, Raynolde Hopwode and other riotous persons to the number of ten, on 26 Feb. 37 Hen. VIII [1545-6] forcibly entered his messuage called The Clyff and 120 acres of land in Mottram, co. Chester. Wherefore [etc.].

HOLFORD *v.* HOLFORD*Re* HOLDFORD ESTATES

(S.C.P., Henry VIII, Bundle 21, No. 40 ; and Bundles 24, No. 337, and 26, No. 82)

To the kyng our soveraigne lord. Shewith Dame Elizabeth Holdforthe, widow and executrice of Sir George Holdforth, Kt., deceased, that in Hilary term last she exhibited a bill of complaint against Sir John Holdforthe, Kt., his son and heir, and George Holdforth, esq., upon which order was made by the court that she should enjoy dower as widow of Sir George, until it could be proved that she was not his lawful wife. The question of who was entitled to the moveables was committed by the Council to Dr. Lee, one of the auditors of causes in my Lord Legate's Grace high court of audience ; if the will were proved before the said doctor to be good and sufficient, all the proper goods and chattels of the said Sir George were to be delivered and restored to the said Elizabeth. The will has been so proved before Dr. Olyver, now master of the prerogative to the said Lord Legate's Grace, according to the said decree, but the said Sir John and George will not suffer her to have possession of the said goods.

George Holford answers the [previous] complaint of Elizabeth Burroughs naming herself Dame Elizabeth Holford, saying she never exhibited any testament to the ordinary, as in such case appertaineth, albeit she hath been monished for the same. Immediately after he had knowledge of the death of his father, he repaired on the 20th of November last in peaceable wise to the manor of Hulford, where his father then lay dead, with two of his own servants and two other neighbours, which minded to go to the burial, with the intent to pray for his soul and see his burial ; he did not bring with him 100 men armed. Before he and his brother Sir John came to the burial, the complainant, taking little heaviness for his father's death, had spoiled and conveyed away from the manor most part of the goods and substance of the said Sir George, whereupon this defendant gently required her to declare if she were his father's executrix, and how his father, being a man of worship reputed in the country, should be buried, advertising her it should be convenient to have him in some honest wise buried because many of the country, both poor and rich, would repair to his burial. Nevertheless she refused to put any cost towards the burial of the said Sir George, refusing to give a sheet to wind him in. She refused to publish any will, and the defendant sent with all speed to the ordinary of the

diocese, advertising him of the premises, and obtained from him letters of sequestration ready to be showed, and letters of administration of the said goods for the funeral of his father. By authority thereof he threshed part of the corn in his father's barns and killed some of his cattle, and expended the same about the burial; and of such goods as he could come by (being under £50) he made a true inventory. He never hindered the children of Sir George, viz. Arthur, aged 10, Michael, aged 9, and Peter, aged 3, from having meat and drink. The said Elizabeth was never accoupled in lawful matrimony with the said Sir George after the lawes of holy chirche, for the which cause she is scyted and monyshed in the spirituall lawe upon just causes of divorce at the instance of the said Sir John. In this defendant's absence his wife, Isabel Holdford, was informed that part of his goods were privily conveyed to the houses of Lawrence Coppok, Heugh Foster and George Burrous. She went to those houses, and caused such of his goods as she found there to be put into safe keeping, which lawful was for her to do.

Attached to these papers is a bond (dated 30 Nov. 21 Hen. VIII [1529]) by George Holdforth of —, esq., in £100 to deliver to Dame Elizabeth Holdforth, late wife of Sir George Holdforth, Kt., deceased, and now wife of Anthony Daulbeney, gent., executrix of the said Sir George, all such goods of the said Sir George as he took away by virtue of the abovesaid letters of sequestration, and to suffer her to enjoy her jointure and dower according to a decree of 11 Feb. 20 Hen. VIII [1528-9].

Sir John Holford, son and heir of the said Sir George, makes an answer similar to his brothers, referring to a custom which hath been time out of mind in the county of Chester, that the heir of any person deceasing shall have of his goods the best of every one kind of thing that he had, in chattels plate or other things that he had in his house at the time of his decease.

INDEX

Place-names are printed in italics.

The same name may be repeated on a page; when a figure is added to the reference it means that more than one person of the name is mentioned.

A

ABRAM, William, 138
Achalffe (in Buerton), 121
Acton (nr. Nantwich), 72
 — vicar of, 72
Adderley Park (Aderley, in Salop), 106
 Adderton, *see* Atherton
 Adene, Thomas, 5
 Adhed, *see* Adshead
Adlington (Ches.), 73
 Adshead (Adhed, Adshed, Adshyde, Adsshyde), Oliver, 134
 — Ralph, 130
 — Randolph, 93, 114
 Ainsworth (Aynesworth), George, 17, 18
 Alan, *see* Allen
 Alcraft, Thomas, 8, 9
 — William, 8, 9
Alcumlow (Alcome Lowe, Alcomlowe), 140, 141
Aldcliffe, 98
Aldersey, 101, 130
 Aldersey, John, 101, 130, 138
 — Robert, 60, 102, 104
 — Thomas, 102, 104
 — William, 138
 Aldfield (Aldeffeld), John, 92
 Aleghe, *see* Leigh
 Alen, Aleyne, *see* Allen
 Alger, Ralph, 56, 57
 Alington, Sir Giles, 61
 Allen (Alan, Alen, Aleyne, Alyn), John, 114
 — Robert, 105, 107
 — William, 32, 139
 Allenson (Alenson), Robert, 105
Altrincham, 12
 Alyn, *see* Allen
 Anderton, Richard, 102, 104
 Andrew (Andrewe), Edward, 99
 — Gregory, 41

Antrobus, Randal, 110
 Anyon, Henry, 102, 104
 Aprichard, Thomas, 95, 96
 Arderne (Arden, Ardren), Anne, 8, 9, 10
 — Elizabeth, 10
 — Hamnet, 7-11, 13
 — John, 10
 — John the elder, 107
 — Randolph, 10
 — William, 7, 9, 10, 12, 13, 107
 Aro-, Arowe-, *see* Arrow-
 Arrowheadmaker (Arohedmaker, Aroehedmaker), George, 102, 103
 Arrowsmith (Arosmithe, Arrowsmyth), Richard, 56, 57, 103
 — Thomas, 57
 — William, 103
 Arrysman (Aryssemonde, Ryssemond), Thomas, 66
 Ashley (Assheley), John, 128
 Ashton (Assheton), Edward, 67
 — John, 67
 — Randle, 102, 104
 — Robert, 67
 — Thomas, 67
 — William, 67
 — *see also* Aston
Ashton-upon-Mersey (Assheton), 70
 — parson of, 70
Aspals, Lower (in Wistaston), 124
 Asponden, George, 139
 Asshe-, *see* Ash-
 Astbroke, Robert, 89
Astbury, church of, 137
 Aston (Ashton), —, 91
 — Richard, 88
 — Thomas, 83, 91, 138
Aston Green, 57
Aston-under-Mondrem, 114
 Atherton (Adderton), —, 90
 — James, 79
 — Margaret, 90
 Atkinson (Atkynson), John, 97

Atkinson (Atkynson), William, 97
 Atwys, Edmund, 109
Audlem (Audelem, Audelym), 56, 106
Audley (Audeley), 56
 Audley (Audeley), lord, 13
 Audley (Awdeley), Sir Thomas, 7, 99,
 127
 Audley of Walden (Audely), lord, 7
 Axton, Ralph, 106
 Ayer, *see* Ayre
 Aynsworth, *see* Ainsworth
 Ayre (Ayer, Ayere, Ayres, Eyre),
 Richard, 14 (2), 15, 17, 119, 120
 — Roger, 14, 17
 Ayton, William, 89

B

Bache Dale (Chester), 102
Baddiley (Badeley), 123
 Baghe, Robert, 135
Baguley, 10
 Baguley, George, 95, 120
 Baker, John, 71
 — William, 104
 Balsley, George, 114
 Baly, *see* Bayley
 Banberye, John, 130
 — Robert, 130
 Bancroft (Bancrofte, Banecroft), Ed-
 ward, 93, 114
 — Robert, 93, 130-132
 Barbron (Barbren, Berbron), Anne or
 Agnes, 27, 28, 76
 — John, 25, 27, 29
 Bardarton, *see* Bartherton
Bare, tithe barn at, 70
 Barker, John, 23
 — Richard, 102, 104
Barlow (Barlowe), 18
 — mill, 18
 Barlow (Barlowe), Alexander, 18
 — Geoffrey, 52
 — Humphrey, 11, 12
 — James, 12
 Barnes (Barnys), John, 110
 — Matthew, 111
 — Richard, 102, 104
 Barrey, William, 127
Barrow (Barowe, Ches.), 23*n*
Bartherton (Bardarton), 106
Barthomley (Bartonley, Bartumley),
 53, 55, 56
Barton (Ches.), 46
 Barton, —, 19
 — Richard, 102, 104
 Bartonley, Bartumley, *see* Barthomley
 Baryngton (Beryngton), George, 20, 21,
 121
 Basford (Basseforde), Robert, 56

Basford (Basseforde), Roger, 102, 104
 — Thomas, 56, 57 (2)
 Bateman, Thomas, 92
 Bathburne, *see* Rathburne
 Baude, William, 95
 Bayley (Baly, Baylie), Henry, 101
 — Thomas, 109
 Beaudley, *see* Bewdley
 Bebington (Bebynnton, Bekynton),
 Thomas, 102, 104
Bechin (Bechyn, in Coddington), 58,
 60
 — Middle, 60
 Bedulf, *see* Biddulph
 Beeke, Margery, 105
 Beeston, John, 59
 — Tocher, 59
 Bekonsall, John, 56
 — Piers, 55
 Bekynton, *see* Bebington
 Belengham, *see* Bellingham
 Beley, Otwell, 94
 Belknap, Sir Edward, 60, 61
 Bellet, *see* Bellot
 Bellingham (Belengham, Bellynehem,
 Belyngeham), Agnes or Anne, 28,
 31, 76-81
 — Richard, 28, 31, 76-80
 — Sir Robert, 25, 28-31, 76, 77
 — Sir Roger, 28, 79, 80
 — William, 120
 Bellot (Bellet, Belot, Beylotte, Bylott),
 John, 24, 25, 105, 140, 141
 — Thomas, 141 (2)
 Bellyn, John, 102, 104
 Beneson, William, 67
 Benger, Robert, 31-33, 39
 Bennet (Benet), Edward, 94
 — George, 94
 — Ralph, 131, 135
 — Robert, 118
 — William, 94
 Bent, Thomas, 61, 62
 Benyngton, William, 22
 Benytson, Nicholas, 67
 — Thomas, 67
 Berbron, *see* Barbron
 Berwick (Berwyk, Berwyke), Avery,
 4, 5
 — John, 133
 — Thomas, 4
 Berwyk, *see* Borwick
 Beryngton, *see* Baryngton
Bewdley (Beaudley), 73
Bexwykes (Chester), 102
 Bibbe (Bybbe), John, 41, 42
 — Robert, 41
Bickley (Byckely), 109
 Bickley (Bycley), Robert, 107
Biddulph (Bedull), 140
 — vicar of, 140

- Biddulph (Bedulf, Bydulff), Richard,
94, 134
Bildon (Byldon), Thomas, 102
Birch (Birche, Byrche), John, 102, 104
— Thomas, 47
— William, 47, 48
Bird (Bridd, Brydd, Bryde), Edward,
23ⁿ
— William, 120
— William, junr., 102, 104
— William, sen., 102, 103
Birkenhead (Birkenhed, Birkheved,
Byrchynhead, Byrkinhed), Henry,
90
— John, 54, 55
— Richard, 66
Bishop (Byshop, Bysshop), Gervase,
41
— Ralph, 41
— William, 41
Blackburn (Blakborn), 139
"Black John," 17, 18
Blagge (Blage), Edward, 99
— John, sen., 99
— Richard, 105
Blak-, *see* Black-
Blese, Lawrence, 107
Blore Heath, battle of, 90
Blowre, William, 107
Blundell, Agnes, 35, 36
— George, 33-36
— Henry, 35, 36
— James, 35
— Margaret, 35
— Nicholas, 33-36, 75, 130
Bold, Richard, 82
Bollington Hurst (in Hanley), 132
Bolton, Henry, 121
— Hugh, 121, 125
— John, 108
Bonne, Reynold, 114
Booth (Bothe, Bouth, Boyth, Boythe),
Alice, 47
— Elizabeth, 8, 9, 11, 12
— George, 11, 12, 13, 109
— Otwell, 47, 48
— William, 53
Bordebent, *see* Broadbent
Bordman, Charles, 37
Borely (? Burleyhurst in Mobberley), 36
Borwick (Berwyk), 4
— manor of, 4
Bosley (Bosseley), 43-45
— bailiff, 45
— common, 45
— lordship or manor, 43-45
— tenants, 43-45
— wood, 44, 45
Bosley nymys, 43
Bostock (Bostocke, Bostok, Bostoke),
Anne, 112
Bostock (Bostocke, Bostok, Bostoke),
Elizabeth, 112
— James, 46
— John, 87, 89
— Ralph, 112
— William, 48
Boteler, Botteler, *see* Butler
Bothe, Bouth, *see* Booth
Bowdon, William, 10
Bowre, Henry, 92
Bowyer (Bowyer), Thomas, 5
Boyer, Ralph, 102, 103 (2)
Boyth, *see* Booth
Bradburn (Bradborne, Bradbourne),
John, 102, 104
— William, 47, 48
Bradbury, Lawrence, 131
Braddocke, John, 84
Bradeley (in Haslington, Ches.), 138
Bradley (Lancs.), 131, 133
Braithwait (Braytwhayte, Braywhyht),
Robert, 26
Bramhall (Bromehall), 47, 48
Bratchegurdyll, Roger, 110
Brawne, Robert, 107
Brawstaff, Hugh, 36
Bray-, *see* Brai-
Brayn (Brayne, Breyan), —, 57
— Alexander, 57, 58, 60
— David, 56
— Elizabeth, 114
— John, 56, 114, 115
— Maudlin, 57
— William, 114, 115
Breche, Richard, 93
Breddon (Briddon, Brydon), George, 20
— John, 20, 21, 121
— Richard, 21
Breerton, *see* Brereton
Brenley, —, 98
Brentnall, Richard, 47, 48
Brereton (Breerton, Brerton), 20-22
— Green, 20, 22, 121
— Wake, 21
Brereton, Bartholomew, 59, 128
— Henry, 85
— Dame Jane, 36, 37
— John, 23, 61, 62
— Margery, 128
— Sir Ralph, 128
— Randle, 38, 39, 58-60, 107, 109
— Sir Randle, 58-60, 63, 88
— Richard, 36, 37
— Sir Richard, 36, 37, 61
— Roger, 38, 39
— Thomas, 38
— William, 121
— Sir William, 12, 20-23, 82, 121,
128, 136, 137, 140
Brewster (Brouster, Browster), Edward,
45

- Brewster (Brouster, Browster), James,
44
— Richard, 102, 104
— Roger, 43
— Thomas, 43
Breyan, *see* Brayne
Bridd, *see* Bird
Briddon, *see* Breddon
Brindley (Brundeley, Brundley, Brynd-
ley), Christopher, 55
— Jenet, 55, 56
— John, 56
— Thomas, 53, 55-57
— William, 53-56
Brinnington (Brynyngton), 107
Brixshawe, *see* Brookshaw
Broadbent (Bordebent, Brodbent,
Brodebent), Elizabeth, 40-42
— Henry, 40, 42, 43
Broadhurst (Brodhurst), Hugh, 92
— John, 92
— Ralph, 44, 45
— Thomas, 92
Brocshaw, *see* Brookshaw
Brod-, *see* Broad-
Brodeleles, Geoffrey, 47
Broghton, *see* Broughton
Broke-, *see* Brook-
Brombyll, Piers, 107
— Reynold, 107
Bromefeld, Richard, 108
— Thomas, 108
Bromehall, *see* Bramhall
Bromley (Bromeley), George, 108, 115
— Henry, 52
— Humphrey, 56
— Thomas, 109
— William, 109, 128
Brook (Broke), Griffith, 135
— James, 140
— Roger, 57, 135
— William, 135
Brookshaw (Brixshawe, Brocshaw,
Brokeshagh), Nicholas, 47, 48
Broomcroft (in Hanley), 132
Brough, Edmund, 85
— Robert, 85
— William, 85
Broughton (Broghton), Morgan, 119, 120
— Thomas, 139
Browndyshanke (Broundeshanke),
William, 102, 104
Browne, Edward, 92, 130
— Ellen, 65
— Nicholas, 52
— Thomas, junr., 65
— Thomas, sen., 65
Brownlaw (Ches.), 141
Brouster, Browster, *see* Brewster
Bruche (nr. Warrington), 52
— manor, 52
Bruche, Hugh, 52
Bruen (Bruyn, Bryne), John, 54 87,
91
— Richard, junr., 102
— Richard, sen., 102, 104
Bruerton (? Brereton), Randal, 109
Brundley, *see* Brindley
Bryan, James, 101
Bryde, *see* Bird
Brydon, *see* Briddon
Bryn-, *see* Brin-
Bryne, *see* Bruen
Bryttons Bankes, 129
Buckstones, *see* Buxton
Budworth, Little (Lytle Budworthe), 55
Buerton (Bureton, Audlem), 121, 125
Buglawton, 45
Bulkeley (Bulkley), Edward, 23, 121,
130, 140, 141
— George, 23
— Rowland, 62
— Thomas, 21, 23, 121
Buller, Richard, 124
Bullgreve Water (in Macclesfield
Forest), 84
Bullock (Bullok), John, 85
Bullyng, Henry, 117
Bunbury, college of, 72
Bureton, *see* Buerton
Burnside (Burnessyde), 81
Burroughs (Burrows), Elizabeth, 142
— George, 143
Burscough (Burschor, Burscogh), prior
of, 34, 35
Burton (in Wirral), 65, 117
— church, 65
— parson, 117
Burton, John, 41, 89
Butler (Boteler, Botteler, Butteler),
James, 35
— Margaret, 35
— Philip, 59-61
— Thomas, 35
— Sir Thomas, 1, 2 (2), 3, 50, 51,
122
— Sir William, 2-4
Butley, 73
Button (? Dutton), Piers, 63, 64
Buxton (Buckstones), 131
By-, *see* Bi-
Bylott, *see* Bellot
Byners Lands (in Coddington), 59
Byrdon, William, 140
Byron (Byrron), Christopher, 45
— George, 100
— Sir John, 67

C

- Caldwell (Cawdwall), Henry, 107
— Robert, 66

Calley (Callye), Richard, 102, 103
 — William, 102, 104
 Calveley, George, 59, 95
 — Hugh, 46, 95, 122
 Candelan, Robert, 107
 Cansfield (Councefeld), Thomas, 69, 70
 Cantye, Thomas, 123
Carden (Cardyn, Garden), 58
Carrington (Caryngton), 70
 Carrington (Caryngton), John, 67, 70
 Cartwright (Cartwrygh), John, 140
 — Thomas, 140
 Case, Ralph, 49
 Cawdwell, *see* Caldwell
 Cay, *see* Kay
 Cestre, *see* Chester
 Chalonor, Robert, 89
 Chamley, *see* Cholmondeley
 Chancellors, Lord, *see* Cardinal Wolsey, Sir Thomas More, Sir Thomas Audley
 Charleton, Nicholas, 70
 Chaterton, George, 11, 12
Cheadle (Chedull), 62
 — manor, 62
Cheetham (Chetham), 118
 Chesforth (or Cresforth), John, 62
 Cheshire (Chesshire), Robert, 70, 71
 Cheshire, *see* Chester county
Chester (Cestre, West Chester), 5, 10, 13, 14, 35, 59, 60, 61, 73, 74, 83, 90, 101, 102, 103, 108, 113, 138
 — Abbot of St. Werburgh's, 58, 63, 74, 102, 103
 — alderman, 101, 103
 — archdeacon, 51
 — assessment, 64
 — bishop, 118, 125
 — castle, 21, 58, 63, 83, 88, 101, 115
 — cathedral, 102, 103
 — chamberlain, 63, 64, 88, 101, 108, 119
 — charter and pardons, 64, 71
 — citizens, 71
 — constable of the castle, 101
 — county, 40, 47, 74, 81, 89
 — county of the city, 102, 103
 — courts, 54, 55, 58–60, 107, 109, 138
 — dean, 102, 103
 — escheator, 138
 — exchequer, 42, 63–65, 88, 108
 — exchequer court, 83
 — gates, 90
 — inquest of the shire, 118
 — justices, 10, 14, 53, 59, 60, 72, 119, 130
 — mayor, 71, 108
 — parish of St. Werburgh, 74
 — prison, 41, 130
 — sheriff, 20, 113, 117, 118, 138
 — shire court, 23, 25, 123, 124

Chester, shire (court) of passage, 55
 Chetham, *see* Cheetham
 Cheynu (Cheyne), Hamnet, 53, 55, 56
 — Margaret, 124
 Chollerton, Ralph, 62
 Chollerton, *see* Chorlton
Cholmondeley (Cholmeley, Cholmley), 72
 Cholmondeley (Chamley, Cholmdeley, Cholmeley, Cholmley) Eleanor, 89
 — Elizabeth, 114
 — Richard, 13, 59, 72, 89 (2), 114
 — Sir Roger, 72
 — Thomas, 109
 Chompyn, Richard, 45
 Chorley, William, 79
Chorlton (Chollerton, Manchester), church of, 62
Chorlton (Charleton, Ches.), 126
 — manor, 126
 Chorlton (Chorleton), Thomas, 89
 Chorop, *see* Thorp
Chowbent (Showbent), 90
Christleton (?), 5
 Christleton (Cristelton), Henry, 129
Christleton, Church (Church-Cristelton or Criselton), 101
Churton Heath (Churchynheth), 101
 Claye, William, 99
 Clayton (Cleyton), Edward, 131
 — John, 132
 — Randolph, 131
 — Reynold, 131, 132
 — Robert, 131
 — William, 122
 Clerk (Clercke, Clerke), Edward, 73
 — George, 92
 — James, 73, 74
 — John, 131, 135
 — Margery, 74
 — Reynold, 73 (2)
 — William, 74
Cleveley (Clyveley), 96
 Clevely, William, 121
Cleyley (Ches.), 101
 Cleyton, *see* Clayton
Cliff (Clyff, in Mottram), 141
Clifton, manor of, 125
Cloudwood (Clowdewode), 45
 Clough, William, 102, 104
 Clutton, Henry, 121, 125, 126
 — Margery, 121
 — Mary, 125
 Clyveley, *see* Cleveley
Cobblers' Cross (Coblers Crosse), 39
Cockersand, abbey of, 94
Coddington (Codyngton), 58–60
 Coddington (Codyngton), John, 63
 Coke, *see* Cook
 Cokker, John, 83
 Cole, *see* Coole

- Colton, Joan, 127
 — John, 127
 — Robert, 127
 — William, 127
 Coly, Ralph, 57
Combermere (Combermere), abbey, 129
 — abbot of, 76, 129
 — John, abbot of, 72, 76
 — monks of, 129
 — prior of, 129
 Compton, Sir William, 32, 139
Congleton, 22, 121, 137
 — mayor, 121, 137
 — mayor's deputy, 22
 Congreve (Congreffe), Ralph, 5
 Coningsby (Conyngesbie, Conyngesby),
 Anne, 76
 — Humphrey, 30, 76-81
 — John, 81
 Cook (Coke), John, 56, 99
 Cookson (Cokeson), John, 75
 — Richard, 89
 Coole (Cole), 56
Coppenhall, Church (Churchcopnall),
 56
Coppenhall, Monks (Monkes Copynall),
 54, 56, 57
 — Mylpoled in, 54
 Coppock (Coppok, Coppokk), John,
 110
 — Lawrence, 83, 143
 — Robert, 71
 — William, 89
 Corbett, Robert, 106
 Core, Edmund, 32, 139
Corkar (?), 103
 Corkar, Piers, 103
 — Richard, 103
Cornefelde (in Hanley), 131
 Cosley, William, 64
 Coterell, Thomas, 135
 Cotnall, Henry, 101
Cotton, 20, 23
 Cotton (Coton), George, 20, 121
 — Henry, 20, 121, 137
 — Joan, 112
 — John, 20, 21, 23, 121
 — Katherine, 112
 — Richard, 111, 112 (2)
 — Thomas, 112
Cotton Edmund (Edmondes Cotton),
 101
 Councefeld, *see* Cansfield
 Cowper (Couper), Oliver, 47, 48
 — Randall, 54
 — William, 120
 Crabtree (Crabtre), Edward, 94, 131
 Cragge, Oliver, 62
 Cresforth, *see* Chesforth
 Creswell (Creswall), John, 23
 — Percival, 76
Crewe (Crew, Mid Ches.), 53, 55, 56
 Crewe (Crue), Joan, 97, 114
 — Maud, 114
 — Patrick, 97
 — Rowland, 102, 104
 — Thomas, 97, 105, 106
 — Sir Thomas, 97
 — William, 102, 104, 114
Crewe Lane, 57
 Cris-, *see* Chris-
 Crompe, William, 101
Crosby (Lancs.), manor of, 33
 — *Little* (Lyttell C.), 33, 36, 75
 — *Much*, 33
 Crowther, John, 92
 — Nicholas, 92
 Croxton (Croxston), James, 72
 — Ralph, 95
 Crue, *see* Crewe
 Cruse, James, 60
 Cryshawe, Robert, 13
Cudworth (Cudwuth), 83
Culcheth (Culchet, Culchethe), 50,
 122
 Curwen, Agnes or Anne, 25-31, 76-81
 — Giles, 27-30, 76-79
- D
- Dacre, Hugh, 105
Dalebridge (Dalebrige, Daleghebrige,
 in Butley), 73
 Dale, John, 140
 — Peter, 73, 74
 — Ralph, 45
 — Richard, 73
 — Roger, 22, 140
 Dampport, *see* Davenport
 Daniel (Danyell, Daynyell), John, 16
 — William, 52
 Dannecalf, *see* Duncalf
 Darbyshire, Richard, 13
Daresbury (Darresburye), 16
Darwen (Derwen), 31, 32, 139
 — manor, 31, 139
 Daulbeney, *see* Daulbeney
 Davenport (Dampport, Davynport),
 John, 67, 99
 — Randle, 113, 122
 — Richard, 47, 48
 — Thomas, 48, 67
 — William, 47, 67
 — William the elder, 48
 Davorne, William, 13
 Davy (Davye), Henry, 102, 104
 Dawbeney (Daulbeney, Dawbney), An-
 thony, 81, 82, 128, 129, 143
 — Elizabeth, 81, 82, 128, 129, 143
 Dawne, *see* Done
Dayhouse (Deyhouse), 88, 89

Dean (Deyn, brook in Mottram Andrew), 52
Dean (Deayn, Deen, Dene, Deyn), John, 20, 121
 — Richard, 102
 — Thomas, 36, 99, 102
 — William, 20, 121
Deane Lache (in Disley), 134
Dee, William, 105, 116
Delahay, Robert, 6, 7
De la Warre, lord, 70
Delves, Sir Henry, 118, 126
Dene, *see* Dean
Denwall (in Wirral), hospital of St. Andrew, 117
Derby, Edward, earl of, 43-45, 84
 — Thomas, earl of, 1-3, 69
Derby, John, 125
Derwen, *see* Darwin
Deyne, *see* Dean
Dickon (Dykon), William, 92
Dicson, Robert, 79
Digby (Dyghby), John, 93
 — Simon, 21
Disley (Dishley, Distley, Dyshley, Dyshley Stanley, Dyssheley, Dysshley, Dysteley, Dystley), 92, 94, 114, 130, 132, 134-136
 — chapel (or church), 94, 131, 134-135
 — freeholders, 134-136
 — manor, 130
 — pound, 131, 134, 136
 — woods, 132
Ditton (Dytton), 33
 — manor, 36
Dodde, Robert, 89
Dok-, *see* Duck-
Dole, Richard, 47, 48
Domylowe, John, 89
Done (Dawn, Doon, Downe), John, 83
 — Sir John, 9, 10
 — Richard, 64, 83, 84, 103
 — William, 64, 83
Donge (Ches.), 134
Donham, *see* Dunham
Downes, Edward, 94
 — John, 135
 — Piers, 130
Downham (Downeham), 81
Dowson, George, 45
Drake, Robert, 123
 — Thomas, 123
Drakeford, Richard, 140
Drewe, Treheron, 81
Drury, Sir Robert, 60, 61
Duckinfield (Dokynfeld), 40-42
 — manor, 42
Duckinfield (Dokenfeld, Dokynfeld, Duckenfeld), John, 40-43, 107
 — Robert, 12
Dudley, Edmund, 111, 112

Dudley, Sir John, 119, 120
Duncalf (Dannecalf, Duncallfe), Thomas, 12, 94, 134
Dunham Massie (Donham), 11, 12, 109
Dutton (Ches.), 85, 87-91, 115
 — hall, 85
 — lordship or manor, 87-91
Dutton, Anne, 89
 — Edmund, 90, 91
 — Eleanor, 89
 — Elizabeth, 89
 — Hugh, 90, 91
 — Isabel, 89
 — John, 89-91
 — Dame Juliana, 85, 87
 — Lawrence, 90, 91, 115
 — Margaret, 89, 90
 — Piers (Peter), 22, 49, 50, 63, 64, 83, 89-91, 112
 — Sir Piers, 85-87, 90-92, 101, 115, 138
 — Ralph, 130, 138
 — Richard, 90
 — Thomas, 85
 — Sir Thomas, 89-91
 — *see* Button
Dy-, *see* Di-
Dymaugh, Heryan, 110

E

Eaton (Eyton), 21, 23
Eccleston (in Amounderness), 94
Eccleston, William, 94
Eden, —, 133
Edge (Egge), Richard, 66
Edgerley (Eggerly), 58
Edmondys, *see* Edmundson
Edmundson (Edmondys, Emendson), —, 80
 — Richard, 25, 26, 29
Effeley, *see* Offeley
Egerton (Eggerton), Hugh, 101
 — Ralph, 101
 — Sir Ralph, 95, 101, 115, 119, 120
 — Richard, 95, 117
 — Sir Richard, 107
Egge, *see* Edge
Elcok, Oliver, 47, 48
Ely, bishop of, 112
Emendson, *see* Edmondson
Englefeld, Sir Thomas, 138
Erytage, *see* Herytage
Essex, 23
Essex, W., 71
Eton, Ralph, 64
Eyer, *see* Ayre
Exeter, lord, 119
Eyton, *see* Eaton

F

- Faddiley* (Fadeley), 56
Fairchild (Fairechilde, Fayrchilde),
 —, 22
 — William, 23
Fallowes, Oliver, 73
Farnworth (in Widnes), 36
 — church of, 36
Fayr-, *see* *Fair*-
Fedeler, *see* *Fidler*
Feilden (Feylden), Henry, 139
 — Nicholas, 139
 — Richard, 139
 — Thomas, 139
Fell, Katherine, 127
 — Thomas, 127
Felowe, Sir John, 120
Ferchelyf, John, 102, 104
Fidler (*Fedeler*, *Fydler*), Agnes, 43
 — George, 41
 — John the younger, 41
 — Nicholas, 41
 — Ralph, 41-43
Filkin (Fylkyn), John, 101
Finch (Fynche), Richard, 101
Fish (Fisshe), James, 139
 — John, 139
 — Thomas, 139
Fitton (Fytton), Sir —, 71
 — Edward, 113
 — John, 23, 121
Fitzherbert, Sir Anthony, 138
Fleetwood (*Fletewood*), John, 96
Fletcher (*Fleccher*, *Flecher*), Randolph,
 23ⁿ
 — Richard, 89
 — William, 64
Fonder, Simon, 104
Forrest (*Foreste*), Edmund, 105
 — John, 96
Foster, Hugh, 143
Foulshurst (*Foulcehurst*, *Foulehurst*,
Fouleshurst, *Fulcehurst*, *Fulhurst*,
Fulshurst), Edmund, 97
 — Edward, 54, 55
 — Elizabeth, 97
 — Francis, 54, 56
 — John, 53-57, 97
 — Ralph, 89
 — Robert, 54, 97 (2)
 — Sir Robert, 54-57, 97
 — Thomas, 54 (2), 56, 97 (3)
 — Sir Thomas, 97
Fowle, Hugh, 132
Fowler (*Fouler*), Richard, 89
Fox (*Foxe*), Christopher, 97
 — Henry, 96
 — John, 97
 — Randle, 56, 57
 — William, 96

- Foxley*, Edward, 128
French (*Frenché*), William, 129
Freres, Katherine, 127
 — Nicholas, 127
Frodsham, 99
 — tenants of, 99
 — vicarage, 90
Frost, John, 84
Fulcehurst, *Fulhurst*, *Fulshurste*, *see*
Foulshurst
Furness (*Furnyse*), abbot Alexander,
 98, 127
 — cellarer, 98
Furnevall, John, 105, 139
 — Ralph, 105, 139
Fy-, *see* *Fi*-

G

- Gaitschayle*, *see* *Gaskell*
Garatt, —, 123
Garden, *see* *Carden*
Gardiner (*Gardynner*), —, 80
 — Agnes, 127
 — Christopher, 127
 — Edmund, 97
 — George, 127
 — Nicholas, 45, 79
 — Ralph, 44, 45
 — Richard, 117
Garnett, Henry, 2, 3
Gascoigne, Sir William, 115
Gaskell (*Gaitscayle*, *Gaitschayle*, *Gats-*
cathe, *Gatstall*, *Gatstathe*, *Gay-*
scales), Nicholas, 98
 — Reynold, 93, 130, 131, 134
 — William, 93
Gatcliffe, George, 89
Gats-, *Gays*-, *see* *Gas*-
Gawsworth (*Goseworth*), 23
Gee (*Jee*), Charles, 67
 — Henry, 67
 — John, 41, 67
 — Reynold, 67
 — Sander, 132
Genyn, Hugh, 90
Gerard (*Jerard*), Henry, 23
 — Richard, 95
Germyn, *see* *Jermyn*
Gethyn, Hugh, 100, 101
 — John, 100, 101
Getstathe, *see* *Gaskell*
Gibbins (*Gybbyns*), William, 13
Gifford (*Gyfford*), Sir Edward, 120
Gill (*Gyl*, *Gylle*), John, 11, 102, 104
Gillam (*Gyllam*), Hugh, 102, 104
 — Thomas, 102-4
Gillibrand (*Jelybrond*), Thomas, 32,
 139
Gilpin (*Gilpyng*), Randle, 98

Ginson (Gynson), Richard, 102, 103
 Girdlington, —, 22
 Girtree (Gyrtre), Thomas, 117
 Glayve (Gleve), Henry, 110
 — Hugh, 101
 Glazier (Glaseor, Glasyer), John, 85,
 87
 — William, 101, 102
 Goburn, *see* Golburn
 Godbehere, Oliver, 103
 Godmond, —, 81
 — Henry, 81
 Golburne (Goburne), Richard, 104,
 105, 116, 139
Goldesmithefeld (in Coddington), 59
 Goldston, Maud, 114
 — Piers, 114 (2)
 — Richard, 114
 Goodman, William, 103
 Gooned, Thomas, 102, 104
 Goose, Thomas, 102, 104
 Goseworth, *see* Gawsworth
 Gosneus, Richard, 65
Grappenhall (Grapnell), 134
 Gravenor, *see* Grosvenor
Gravesend, 21
 Green (Grene), Hugh, 22
 — Thomas, 137
 Greenope (Greneope), Alice, 127
 — John, 127
Green Westmere (in Coddington), 60
 Grey, David, 123, 124
 — Ralph, 106
 Grey Friars, minister of the, 79
 Griffin (Gryffyn), Edmund, 105
 — John, 106, 107
 Grimsditch (Grimsdiche, Grymsdych),
 —, 125
 — Richard, 102 (2), 103 (2)
 Grosvenor (Gravenor), Richard, 114
 — Thomas, 122
 Groves, William, 87, 89
 Gry-, Gy-, *see* Gri-, Gi-

H

Hake, John, 69
 Hale, John, 102, 104
 — Roger, 102, 104
 Hall, Henry, 47
 — Ralph, 47
Halton (Ches.), 23*n*
 Hamnet (Hannet), Edmund, 102, 104
 — John, 123
 — Thomas, 57
 Hamond, Thomas, 129
 Hampton, —, 89
 — John, 89
 — William, 117, 118
 Hamson, William, 62

Hancockson, Nicholas, 120
Handley (Hanley), 46. *See* Hanley
Hankelow, 106, 121, 125
Hanley (Handley, Hannley, in Lyme,
 Ches.), 93, 114, 130-132, 134, 135
 Hanley, *see* Handley
 Hannet, *see* Hamnet
Hannoke (in Coddington), 60
 Hanson, James, 92
 Harcotte, Thomas, 109
 Hardwick (Hardwyche, Hardwyke),
 William, vicar of Rostherne, 110,
 111
 Hardy, James, 11
 — Richard, 11
 Hareware, Thomas, 101
 Harforde, John, 102, 104
 — Thomas, 102, 104
 Harington (Haryngton), Sir James, 3, 4
 Harrison (Haryson), Arnold, 67
 — Thomas, 56
Haslington (Haslyngton, Ches.), 57
 Hassall, Humphrey, 119, 120
 — John, 106, 107
 — Ralph, 106, 107
 — Richard, 72, 105
 — Robert, 106
 — William, 106, 107
Hatherton (Ches.), 124
Hatton (Ches.), 23*n*, 63, 87, 90, 91,
 130, 133
 Hatton, Lawrence, 133
 — Thomas, 92, 133
Hattersley (Hatersley), 67, 68
 Hawardyne, Thomas, sen., 52, 53
 — Thomas, junr., 52, 53
 Hawe, Richard, 94
 Haworth, Nicholas, 139
Haydock (Heydok), 132
 Hayston, Thomas, 121
 Heath (Hethe), Uriah, 107
 Heghfeld, Heighfeld, *see* Highfield
 Heginbotham (Hegynbotham, Hekyn-
 botham), John, 99, 100
 Held, Edward, 89
 — William, 61
Henbury (Henbery), 67
 Hendyll, Giles, 139
Hengyng Scholesse (in Ashton-upon-
 Mersey), 70
 Henly, John, 118
 Henry VII, 112
 Henryson, Arnold, 67
 Henshaw, John, 36, 44
 — Ralph, 56
 Hercy, —, 125
 Heritage (Erytage, Herytage), Alex-
 ander, 40-42
 — Ralph, 41
 Hervey, Robert, 35
 Hesketh, Richard, 78, 80

- Hethe, *see* Heath
 Hety, Ralph, 93
 Hevell, Robert, 101
 Hewer, Richard, 102, 104
 Hey, Robert, 138
 Heydok, *see* Haydock
 Heydon, Henry, 6
 Heyward, John, 117
 Hickson (Hykson), Ralph, 110
 Higginson, Hugh, 130
 — Thomas, 130
 Higham, Thomas, 67
 Highfield (Heghfeld, Heighfeld), Thomas, 83
 — William, 111
 Hildon (Hylton), Thomas, 104
 Hill (Hyll, Hylle), Hugh, 112
 — Lawrence, 135
 — Peter, 102, 104
 — Ralph, 94
 — Robert, 124
Hitley (in Dutton), 88
 Hilton (Hylton), Henry, 106
 Hilton, *see* Hulton
Hindley (Hyndeley), 33
 Hine (Hyne), Edward, 40, 42
 — James, 71
 Hockenhull (Hocknell, Hookenhall), Henry, 114, 122
Hockerley (Hocurley, nr. Whaley), 132
 Hodgkinson (Hogekynson, Hoggekynson), James, 18
 — John, 103
 Hodgson (Hogeson), Joan, 127
 Hough, *see* Hough
 Hoghen, Thomas, 127
 Hokyngthorp, Thomas, 129
 Holcroft (Holcrofte), John, 3
 — William, 71, 103, 104
 Holden, Ralph, 139
Holford (Holford, Hulford), 128, 142
 — manor, 128, 142
 Holdford (Holdeforde, Holdford, Holdforth, Holdforthe, Holford, Holforde), Arthur, 143
 — Dame Elizabeth, 81, 82, 128, 142, 143
 — George, 82, 83, 128, 142, 143
 — Sir George, 82, 83, 128, 129, 142, 143
 — Humphrey, 83
 — Isabel, 143
 — Dame Isabel, 128
 — Sir John, 81, 82, 127-129, 142, 143
 — Michael, 143
 — Peter, 143
 — Robert, 7, 106, 107, 128
 Holland, David, 117
 Hollinshead (Hollynsched, Holynsched, Holynshed), Hugh, 43, 45
 — John, 99, 100
 Holme (Howme, Hulme), Hugh, 60, 61, 102, 104
 John, 93
 — Ralph, 79
 — Richard, 93
 Holte, Edward, 62
 Honford (Hondeford), Hugh, 62
 — Robert, 12
 Hookenhall, *see* Hockenhull
 Hopwood (Hopwodde, Hopwode), George, 67
 — John, 67, 141
 — Ralph, 141
 — Reynold, 141
 Horsekeeper, Geoffrey, 101
Horton (by Malpas), 58
 Horton, John, 83, 89, 130 (2)
 — Roger, 106
 Hough (Hogh, Houghe), Richard, 59, 113, 122, 123
 — Thomas, 59
 Howme, *see* Holme
 Huchyn (Huchyns), Thomas, 23*n*, 89
 Hudson, Robert, 118
 Hughe, Richard, 132
 Hulford, *see* Holford
 Hulme, *see* Holme
 Hulton (Hilton), Thomas, 79
 Humfrey, John, 21
 Huncote, Giles, 129
 — Ottiwell, 129
 Hunston, Richard, 95
 Hunt (Hunte), Alexander, 47 (2)
 — Ralph, 47
 — Richard, 13, 70
 — Thomas, 47
 Huntington (Huntyngton), John, 102, 104
Hurleston (nr. Acton), 72
 Hurst (Hurste), George, 42
 — Ralph, 94, 131, 135
 — Thomas, 40, 42
 — William, 102, 104
Hutton (in Penwortham), 96*n*
 Hutton, Adam, 37
Huxley, 48, 49
 Hy-, *see* Hi-

I

- Ince, Richard, 123
Ince Blundell, 33
Ireland, passage to, 71
 Ireland, George, 66

J

- Jackson (Jacson, Jakson), John, 57, 61
 — Ralph, 114
 — Thomas, 99, 111

Jackson (Jacson, Jakson), William, 105
 Janne, William, 18
 Jannyn, John, 101
 Janyns, *see* Jennings
Janyns Holding (in Coddington), 60
 Jaslyn, Lawrence, 102, 104
 Jaynkin, *see* Jenkin
 Jee, *see* Gee
 Jelybrond, *see* Gillibrand
 Jenkin (Jaynkin), Robert, 108
 Jenkinson (Jenkykson), William, 76
 Jennings (Janyns, Jenyns), Elizabeth
 or Isabel, 56
 — John, 129
 Jerard, *see* Gerard
 Jerymyn (Germyn), Robert, 99, 100
 Jeynson, John, 104
 — Richard, 104
 Jodrell (Joyderell), Nicholas, 132, 135
 — Roger, 92, 130-135
 John, Robert, 102, 104
 Johnson, Edward, 92
 — John, 102, 107
 — Thomas, 38, 39
 — *see also* Jeynson

K

Kay (Key), Thomas, 45
 — William, 45, 89
 Kell, Henry, 110
 — William, 110
 Kelyng, Gralame, 140
 Kendall, Thomas, 69
 Kenion (Kenyan), Roger, 131, 133
 Kent, William, 56
 Kerfoot (Kirfot, Kyrfoote), Lawrence,
 101
 — Richard, 232
Kettleshulme (Ketushulme), 134
 Key, *see* Kay
 Kighley (Kyghley, Kytheley), John, 93,
 130, 131, 134
Killington (Kyllington), 77-79
Kinderton (Kynderton), 108
 — manor of, 111, 112
 Kingsmill (Kyngesmill), John, 76, 78
 Kingswell (Kyngeswell), —, 70
 Kirk (Kyrk), Richard, 18
 Kirkes, Hugh, 130
 Kirkby (Kirkeby, Kyrkeby), Henry,
 28, 76
 Kirkham, John, 55
 — William, 55
 Knight (Knyght), Henry, 140, 141
 Knipe (Knype, Knyppe), George, 28,
 76, 80
 Knoll, *see* Knowle
 Knotesforde, *see* Knutsford
Knowle (Knoll, Warwks.), 21

Knutsford, *Nether* (Knotesforde),
 36
 Kny-, Ky-, *see* Kni-, Ki-
Kynsulton (? Kynsall in Audlem), 5
Kystey Field (in Hatton), 133

L

Ladesane, Roger, 102, 104
 Laithwayt, John, 55
 Lamplough (Lamplew), John, 25-29,
 31
Lancashire, *see* Lancaster, county of
Lancashire Bridge (? Stockport), 48
Lancaster, 68*n*, 69, 78-81
 — castle, 26, 29, 69 (?), 78
 — church, 79
 — county of, 47, 48
 — — collectors in, 68
 — duchy of, chamber, 27
 — — chancellor, 25
 — palatine court, 1
 — prison, 77
 — records, 76, 81
 — sessions, 26, 29, 34, 77
Lancaster (Lancastre), John, prior of
 Launde, 109, 110
 — Reynold, 56
 Lande, *see* Launde
 Laplove (Laplull), John, 140, 141
 — William, 131, 140, 141
 Large, James, 130
 Laryngton, Richard, 97
 Lathom (Lathome), Hugh, 32, 139
Launde (Lande, Leics.), prior and
 priory, 109-112
 Lawrence (Laurens), John, 26
 Laylond, *see* Leyland
Lea (Ley, Ches.), 95
 Leadbeater (Leydbeyter), Thomas, 45
 Lecetre, *see* Leycester
 Leche, Agnes, 127
 — Austin, 127
 — Richard, 13
 Ledsham (Ledsam), Richard, 110
 Lee, Dr., 142
 — Sir John, 53
 — Roger, 105*n*
Leek (Leyke, Staffs.), 85
Lees, *Old* (in Wistaston), 124
 Lees (Leez), Edmund, 40, 42, 43
 — Elizabeth, 40
 — Humphrey, 52
 — Thomas, 52
 Legh, *see* Leigh
 Leicester, *see* Leycester
 Leigh (Aleggh, Legh, Leghe, Leygh,
 Lygh), —, 134
 — George, 73, 117
 — John, 7-9, 56, 57, 114, 132, 133

Leigh (Aleggh, Legh, Leghe, Leygh, Lygh), Piers, 93, 114, 131 (2), 133 (2), 134, 135
 — Sir Piers, 91, 93, 94, 132, 134, 135
 — Ralph, 110
 — Richard, 8-10, 12, 44, 71, 107, 110, 111
 — Roger, 133, 141
 — Thomas, 73
 Leuerpole, *see* Liverpool
 Levesay, *see* Livesey
 Lewes, Robert, 102, 103
 Leycester (Leceter, Leicester, Leyceter), John, 128
 — Lawrence, 52
 — Ralph, 61, 62
 Leydbeyter, *see* Leadbeater
 Leygh, *see* Leigh
 Leyke, *see* Leek
 Leyland (Laylond, Leylond), Agnes, 35
 — Sir William, 35, 38, 69, 115
 Lichfield, canon of, 117
 — hospital of St. John Baptist, 117
 Lichford (Lycheforth), Randle, 101
 Lightfoot (Lightfote), Nicholas, 23*n*
 — Richard, 101
 Lightwood (Lyghtwode, in Wilkesley), 76
 Liverpool (Leuerpole), 33
 Liversage (Lyversage), Thomas, 141
 Livesey (Levesay, Levesey), Nicholas, 32, 33, 139
 Locker (Loker), Nicholas, 102, 104
 — William, 102
 Lockett, Roger, 103
 Loker, *see* Locker
 Lomale, Lomley, *see* Lumley
 London, 12, 21, 39, 79, 81, 100, 116, 119, 124, 138
 — Fleet prison, 22, 89
 — Gray's Inn, 79, 80
 Lonsdale (Lunesdale), bailiff of, 29
 — bailiwick, 69
 Lostock Gralam (Lostok, Lostoke Gralham), 83, 128
 Lostock Park (Ches.), 82, 83, 129
 Lovedy, Randle, 126
 Lovell (Lovelles), Sir Thomas, 21, 111, 112
 Lowe, Richard, 102, 104
 Loyne, *see* Lune
 Lucas, Thomas, 61
 Ludiow, 73
 Lumley (Lomale, Lomley), Sir John, lord, 96
 Lune (Loyne), fishery in, 98
 Lunesdale, *see* Lonsdale
 Ly-, *see* Li-
 Lydeat, Richard, 102, 104
 Lygh, *see* Leigh
 Lyme (Ches.), 114

Lyme, manor of, 131
 Lyme, Thomas, 135

M

Macclesfield (Macclesfeld, Macclysfeld, Mackefeld, Makyllisfelde, Maxfeld, Maxffield, Maxwoodefild), 44, 92, 94, 99, 100, 135, 136
 — borough, 100
 — common, 100
 — court, 94, 134
 — fair, 92
 — forest, 84, 85, 100, 134, 135
 — foresters, 114
 — hundred and its bailiff, 42
 — mayor, 100
 — pinfold, pound, 134, 135
 — steward, 134
 Madok, William, 89
 Maiden (Mayden), Lawrence, 41, 42
 — Richard, 41
 Mainwaring (Maynwaring, Maynwarynge), Honkin, 124
 — Randle, 66, 124
 Makam, Elizabeth, 6, 7
 — Katherine, 6
 — Robert, 6, 7
 Makin (Makyn, Maykyn), Richard, 32, 139
 — Robert, 56
 Makyllisfelde, *see* Macclesfield
 Manchester, 141
 — tollership of, 70
 Manley, Thomas, 66 (2)
 — William, 39
 Manning (Mannynge, Monning, Monnyng), David, 72
 — John, 89
 — Ralph, 85-87 (2), 101
 Marbury, John, 16
 — Philip, 36
 — Richard, 14-17
 Marches of Wales, Commissioners or Council of, 58, 107, 113, 117, 130, 138. *See also* Princess, Council of
 Markethelford (Stockport), 47
 Marney, Sir Henry, 21, 25
 Marsey, *see* Mersey
 Marshall, Sir Robert, 81
 Marshland (Marrsheland), John, 135
 Marsland (Merslande), Ralph, 47, 48
 Marton, Great and Little (Grete Marten, Lyttyll Marton), 1, 2
 — manor and bounds, 1
 Mary, Princess, *see* Princess, Council of the
 Massey (Mascy, Massy, Massye), Anne, 58, 61
 — Bartholomew, 59, 60

Massey (Mascy, Massy, Massye), David,
117, 118
— Emme, 59, 60
— Hugh, 59
— Joan, 100
— John, 56, 65 (2), 113, 117, 134
— Sir John, 9, 10
— Maudlin, 58, 59
— Piers, 56
— Randle, 59, 60
— Richard, 85
— Robert, 23ⁿ, 59, 60 (2), 90, 91
— Roger, 58-60
— Thomas, 65, 66
— William, 58-61, 100
Masterson (Maysterson), Richard, 105,
108
— Thomas, 105
Matley, 42
Mavysyn, Robert, 35
Max-, *see* Maccles-
Maxwell, —, 90
Mayn-, *see* Main-
Maykin, *see* Makin
Mayre, *see* Meyre
Medowes, James, 110
Mellor (Meller), Nicholas, 67
— Thomas, 92
Merler, Thomas, 99 (2), 100
Mersey (Marsey), weir across the, 18
Merslande, *see* Marsland
Meyre (Mayre), John, 102, 104
— Thomas, 110
— William, 117
Meyre Forte (Ches.), 140
Middleton (Middelton, Myddleton),
—, 66
— Nicholas, 89
— William, 79
Middlewich (Midelwiche), 89
Millington (Mylington), Geoffrey, 128
Milner (Mylner), John, 96
Milton (Mylton, in Handley), 46
— green, 46
— Ley, 46
Minshall (Mynchun, Mynshull),
Edward, 57, 72, 114, 122, 124
— Hugh, 110
Mobberley (Moberlye), 61, 62
Moldesworth, Moldworth, *see* Moulds-
worth
Molle (? Mow Cop), 24, 25, 105, 139-
141
Molyneux (Moleneux, Molynes), —,
98
— Anne, 89
— Edmund, 36
— Edward, 33-35, 74, 79
— James, 68
— John, 23ⁿ
— P., 103

Molyneux (Moleneux, Molynes),
Thomas, 23ⁿ
— Sir William, 35, 89
Monning, *see* Manning
Montegle, *see* Mouteagle
More, Henry, 135
— John, 114, 120, 135, 136
— Robert, 118-120
— Sir Thomas, 82, 104, 139
Morecroft (Moycroft), Bryan, 34, 35, 75
Moreton (Morton, in Astbury), 24,
105, 140
— manor or lordship, 24, 25, 140
— Merefote, 24
— Rawparkes, 24
Moreton (Morton), Alice, 24, 25, 104,
116, 139-141
— Ralph, 140, 141
— William, 24, 25 (2), 56, 104, 131,
134, 139, 141
Morgan, William, 5
Morres, Agnes, 73
— Ralph, 45
— Robert, 45
Morton, *see* Moreton
Moseley, William, 100
Mottram, 141
Mottram, John, 52
Mottram Andrew, 52
Mouldsworth (Moldesworth, Moldis-
worth, Moldworthe), 66, 90, 91
— Little, 90
Moundeford (Mounforth), Francis, 95
— John, 41
— Robert, 40, 41
Mountegle (Montegle), Lord, 69, 80, 81
Moycroft, *see* Morecroft
My-, *see* Mi-
Mychan, *see* Minshall

N

Nantwich (Namptwiche, Nantwiche,
Nathwiche), 23ⁿ, 55-57, 105, 124,
128
Naylor, William, 132
Needham (Nedam), Robert, 76
Nelde (Nyld), John, 9, 10
Nelson, John, 133
Newcastle (Newcastell), 39
Newhall (p. Acton, Ches.), 13
— manor, 13
Newhall (Newall), John, 117
— Richard, 102, 104
— William, 102, 104
Newhouse, Peter, 102, 104
Newport (Neweporte, in Shropshire),
21, 121
Newton, Francis, 52
— Humphrey, 10, 52

- Newton, Thomas, 35
 Nicholson (Nicolson), Christopher, 26,
 29, 80
 Nixon (Nickeson, Nycson, Nyxon),
 Jankin, 132
 — Richard, 92, 130, 135
 — Thomas, 141
 — Wilcock, 132
Norbury (Northbury, Ches.), 109, 135
 — common, 109
 Norfolk, duke of, 38, 39
Norley (Norleghe), 66
 Northbury, *see* Norbury
 North Rode, *see* Rode
Northwich (Northewiche, Northwych),
 83, 108
 — bridge, 108
 Norwych, Robert, 93
 Ny-, *see* Ni-
 Nyld, *see* Nelde

O

- Odd Rode* (Odde Roode, Odred,
 Odrode, Roode), 104, 105, 116,
 139-141. *See also* Rode
 — mills, 139
 — lordship, 140, 141
Offeley (Effeley), John, 102, 104
Offerton, 6
 Oldfield (Oldefeld, Oldfeld), John, 44
 Oldham (Oldeham), Lawrence, 41, 42
 Oliver (Olyver), Dr., 142
 Ollershaw (Ollerynshaw), Robert, 94
 Onesley, Richard, 89
 Ooley, Robert, 116
 Opton, *see* Upton
 Ormshaw (Ormeshawe), Richard, 72
Orrell (p. Sefton), 33
Orton (in Odd Rode), 116
 Ottye, —, 118
 — William, 6, 7
Over (Oouer), 55, 56
Overton (Ches.), 135
Oxfordshire, 23, 89
 Oxley, John, 26

P

- Palmes, Bryan, 77, 78, 80
 Pantun, Roger, 102, 104
 Parker (Parkar), —, 108
 — Edward, 68
 — Richard, 50, 122
 — Robert, 11, 12, 69
 Parnell, Henry, 45
 Parre, —, 81
 Parsons, Thomas, 92
 Partington, Elizabeth, 10
 — Henry, 10
 Pateson, James, 94

- Paynton, *see* Poynton
Peckforton (Pekforton), 119
 — lordship of, 119
 Pedley, Hugh, 45
 — Philip, 45
 Pek-, *see* Peck-
 Penford, Alexander, 137
 Penkes, Philip, 101
 — Thomas, 101
 Penkston, Hugh, 72
 Pennington (Penyngton), William, 79
Peover, *Nether* (Netherpever), 128
 — manor of, 128
 Percival (Percyvalle), John, 102, 104
 Persons (Peersons), Thomas, 99, 100
Peterborough (Peterborroghe), 66
 Petre, William, 71
 Peuk, Ralph, 130
 Pever, *see* Peover
 Pickering (Pikeryn, Pycren, Pykeringe,
 Pykeryng), Sir Christopher, 79
 — Hugh, 56
 — John, 66
 — William, 56, 89
 Pickford (Pycford), Richard, 93
Pigle (in Aldersey), 130
 Pik-, *see* Pick-
 Pilkington (Pylkinton), Roger, 140,
 141
 — Thomas, 99
 Pilling (Pyllyn), Ralph, 102, 104
 — Thomas, 102, 104, 114
Pinchewer Heyes (Pynchewer), 103
 Platt (Plate, Platte), Roger, 102, 104
 — William, 66
 Plonter, James, 45
Plumley (Ches.), 128
 — manor, 128
 Podington, *see* Puddington
 Pole, *see* Poole
 Ponall, *see* Pownall
 Poole (Pole), Randle, 125
 — Richard, 79, 81, 102, 103
 — Sir William, 88
Poole Croft (Pole, in Coddington), 60
 — Meadow, 60
 Poope, Richard, 102, 104
 Port (Porte), Sir John, 115, 138
 Porter, Hugh, 62
Portwood, 107
 Postlethwaite (Postylwayth), Joan, 127
 Pott, John, 94, 131, 134
 — Lawrence, 135
Pott Shrigley (Shrygley), 134
Poulton-le-Sands (Pulton), 25, 76-81
 — manor, 25, 27, 30, 31, 76, 77
Pownall (in Wilmslow), 52
 Pownall (Ponall), James, 135
 — John, 131
 — Ralph, 135
 — Robert, 47, 48

Poynton (Paynton), 135
Prachet, Humphrey, 56
Prees, Elizabeth, 97
 — Joan, 97
 — Richard, 97 (2)
 — Thomas, 97
Prestbury (Presbury), 73
Prestbury, Thomas, 99
Prestefeld (in Bechin), 60
Prestland, Richard, 96
Preston (Ches.), 91
Pricket (Priket), John, 107
Prince (Prynce), William, 60
Princess's Council, the, 15, 17, 73, 119.
 See also *Marches of Wales*
Puddington (Podington), 117, 134
Pulfield (in Coddington), 60
Pulford, Urian, 60
Pulton, *see* *Poulton*
Purley, church of, 109
Py-, *see* *Pi-*

Q

Quarmbye, *see* *Wharmby*
Quernmore Park (Whermore Parke), 68

R

Rache (in Ashton-upon-Mersey), 70, 71
Radcliffe (Radclyf), 17
Radcliffe (Radclyf, Radclyff, Ratcleve,
 Ratclif, *Ratcliff*), Alexander, 48
 — Sir Alexander, 35, 38, 69
 — Edmund, 48
 — John, 17 (2), 18
 — Richard, 17, 18
 — William, 134
Radforte (Rodfarte), John, 102, 104
 — Roger, 102, 103
Radley, James, 102, 104
Rainow (Reynall), 135
Rame, William, 116
Ratcl-, *see* *Radcl-*
Rathbone (Rathebon), Hugh, 105, 139
 — John, 140
 — Thomas, 140, 141
Rathburn (Batheburne, Ratheburn,
 Ratheburne), Richard, 102, 103
 — Robert, 102, 104
Ravenscroft (Raynescroft), Edward, 13
Ravenshaw (Raynshawe), Elizabeth, 15
Rawlinson (Raulynson), Nicholas, 46
Rawson, James, 18
Rawstorne, Lawrence, 96
Rayn-, *see* *Raven-*
Reddish (Rydyche), John, 67
Redmayne (Redman), William, 127
Reede (in Hanley), 134
Reyley, Humphrey, 93
Reynall, *see* *Rainow*

Richardson (Rychardson, Ryxson),
 Peter, 102, 104
 — Ralph, 93
 — Randle, 102, 104
 — Reynold, 93
 — Thomas, 102, 104
Richmond, archdeacon of, 127
Ridgeway (Rygeway), Thomas, 61
Ridley (Rydley), 95, 107, 120
 — park, 95
Ridley (Rydley), —, 23
 — John, 56
 — Robert, 56, 57
Riell, *see* *Ryle*
Rigmayden (Rygmayden), John, 49, 96
Rilston (Rylston), John, 104
Rindles (Ryndles), Nicholas, 131
Rishton (Risssheton), 31, 32, 139
 — manor, 31-33, 139
Risley, Hamnet, 50
 — Henry, 50, 51, 122
Risssheton, *see* *Rishton*
Robinson (Robynson), Isabel, 56
 — John, 56
 — Thomas, 123
Rochester (Rochestre), 22
Rode (Rowde), 24, 45. *See also* *Odd*
 Rode
 — manor, 24
Rode (Rood, Roode), Thomas, 25,
 140, 141
 — William, 137
Rodes, Nicholas, 67
Rodfarte, *see* *Radforte*
Rogerson, John, 110
 — Ralph, 102, 103
 — William, 110
Romiley (Romeley), 67
Rommor, Richard, 83
Roo (Roe), Katherine, 105, 140
 — Margery, 105
 — Richard, 99, 100
Roode, *see* *Odd Rode*, *Rode*
Roo Park, 140
Rope (Roope), John, 56
Roscow, John, 108
Rose, Richard, 79
Rosemgreve (Rosemegreve), John, 102,
 104
 — Thomas, 102, 104
Rostherne (Rothestorne, Rowesthorne),
 109, 110
 — church and advowson, 109-112
 — vicar, 110
Rothwell (Rothewell), Thomas, 132
Rowde, *see* *Rode*
Rowesthorne, *see* *Rostherne*
Rudyerd, Richard, 23
Rutter, Randolph, 85
Ry-, *see* *Ri-*
Ryder, John, 5

- Ryder, Ralph, 5, 6, 101
 — Richard, 5
 — Thomas, 102, 104
 — William, 90
 Rydyche, *see* Reddish
 Ryle (Riell, Ryele, Ryeley), Christopher, 47
 — Edward, 11, 12
 — Henry, 18
 — John, 99, 100
 — Robert, 9
 Ryssemond (? Richmond), *see* Arrysman
 Ryxson, *see* Richardson

S

- Saer, Saier, *see* Sayer
 St. John, W., 71
St. Werburgh's Abbey (Chester), 58, 63, 74, 102, 103
 — John, abbot of, 58, 74
Salisbury (Salesbury), 66
Salisbury (Salesburye), Emma, 58-61
 — Thomas, 58-61
 Salt, William, 140
 Salter, John, 108
Sandbach (Sanbych), 103
 Sanders (Sawnders), —, 19
 Sanderson (Sawndersson), Richard, 47, 48
 Savage, Anne, 89, 112
 — John, 102, 104
 — Sir John, 48, 49, 87-89, 91, 111, 112, 115
 Sawnders, *see* Sanders
 Sayer (Saer, Saier), Randle, 120
Scale (Scalle, in Skerton), 69
 Sclater, Jenkin, 132
Scotland, war with, 38
 Scouche, John, 102, 104
 Scouce (Stonce), Richard, 102, 104
 Scraghe, James, 92
 Scrivener (Scryvyner, Skryuener, Skynever), Richard, 102, 104, 126
Sefton, 75
 — lordship of, 75
 — rector of, 33, 75
 Segge, Thomas, 125
 Seller, John, 101 (2)
Senekes (? Seven Oaks in Budworth), 83
 Sergeant, William, 79
Seusage (in Bosley), 43
 Shaghe, *see* Shaw
 Shalcross (Shalcros), William, 94
 Sharshall, Edward, 107
 Shaw, John, 57
 — Richard, 56
 — Robert, 54
 — William, 54
Shaw Heath Croft (in Knutsford), 36
 Shefeld, Sir Robert, 22
Sheffield, 138
 Shelley, —, 138
 Shepley, Ralph, 119, 120
 Shere, William, 133
 Sherle, John, 92, 130, 131
 — Richard, 131
 — Roger, 131, 135
 Sherott, Andrew, 141
 Shires (Shyres), John, 105
 — Randle, 105
Shocklach (Shoclache, Shotlache), 37, 107
 Shore (Shoore, Showre), John, 99, 100
 — Robert, 47, 135
 Showbent, *see* Chowbent
 Shrewsbury (Shrewisbury), George, earl of, 137, 138
 Shrigley, John, 94
Shropshire, 137
 Shuttleworth (Shuttylworthe, Shyttilworth), John, 110
 Shyngleton, *see* Singleton
 Shyres, *see* Shires
 Shyttilworth, *see* Shuttleworth
Sidebeet (Sidebright, Sidebyght, in Rishton), 32, 139
 Sidebotham (Sydebotham), Thomas, 67
 — William, 67
 Simkin (Symkyn), Nicholas, 46
 Singleton (Shyngleton), William, 102, 104
Singleton Grange (Syngleton), 94
 Skariot (Skaryet, Skaryot), Agnes, 56
 — Cecily, 56
 — Thomas, 55-57
 — William, 56
 Skelhorn (Skeylhorne), Nicholas, 111
 Skillicorn (Skyllycorn, Skylycorn), Thomas, 32, 139
 Skry-, Sky-, *see* Scri-
 Slade, Francis, 60
 Slader, Ralph, 21
Slaghall Heide (in Ashton-upon-Mersey), 70
Sloderhill, 56
Smallwood, 103
 Smethurst, William, 102, 104
 Smith (Smyth, Smythe), Edward, 93, 132
 — James, 56
 — John, 61, 135
 — Dame Katherine, 117, 118
 — Lawrence, 126
 — Sir Lawrence, 9
 — Richard, 45
 — Robert, 45
 — Roger, 57, 150, 135
 — Thomas, 102 (3), 104 (3), 117
 — Sir Thomas, 126, 140
 Sneyd (Sned), Ralph, 110-112
 — Richard, 60

Soldesgate, 48
 Somerville, William, 56
 Sonder, Simon, 102
 Sounde, Thomas, 129
 Southworth (Suthworth), Isabel, 89
 — Sir John, 18
 — Oliver, 81
 — Sir Thomas, 89
 Sparrow (Sparow, Sparowe), John, 109
 — Ralph, 53, 55, 56
Speet (in Aldersey), 130
 Spele, John, 105
Spēn Green, 140
 Spurstow (Spurstowe), John, 59, 60
 — Randle, 59, 60
Staffordshire, 84
 Standish (Standisse), Arthur, 29
 — John, 29, 69
 — Matthew, 78, 80
 — Thomas, 79
 — Dr, 79
 Stanes, Richard, 124
 Stanley, Agnes, 132
 — Anne, 31, 32, 139
 — Hugh, 132
 — James, 31-33, 51, 112, 139
 — Piers, 48
 — William, 133
 — Sir William, 39, 55, 65
Stanley Hall (in Disley), 132
Stapleford (Stapilforde), 91
 Stapleton (Stepulton), Richard, 92
 Starkie (Starky, Starkye, Sterky), —, 81
 — Hugh, 83, 99
 — Lawrence, 68, 69, 78-80
 — Ralph, 90, 91
 — Randle, 83
 — Thomas, 123, 124
Staveley (Derbyshire), 141
 Steele (Stele), Ralph, 105, 116
 Stepulton, *see* Stapleton
 Sterky, *see* Starkie
 Stirzaker (Stursaker), Lawrence, 97
Stockport (Stokporde, Stopford, Stoppcott), 47, 48, 107
 Stockton, Humphrey, 120
 Stokesly, —, 125
 Stonce, *see* Scouce
 Stopford, Stoppcott, *see* Stockport
 Strannowe, William, 103, 104
 Stray (Strey), Thomas, 77, 80
 Street (Strete), Peter, 102, 104
 Strenger, *see* Stringer
 Stretney, Edmund, 125
 Strey, *see* Stray
 Stringer (Strenger, Strinker, Strynger), Hugh, 66
 — John, 23*n*, 110
 — Richard, 23

Stringfellow (Stryngfelowe), Henry, 89
 Strinker, *see* Stringer
 Stryng-, *see* String
 Stubbs (Stubbes), Ralph, 83
 — Roger, 99
 Stursaker, *see* Stirzaker
 Style, Richard, 109
 Suffolk, duke of, 37
 Suth-, *see* South-
Sutton (in Macclesfield), 43-45, 99, 100, 135
 — tenants, 43-45
 Sutton, John, 105*n*, 135, 141
 Swettenham (Sweteman, Swetman, Swetnam, Swetnant), —, 22
 — Alice, 20, 120, 136, 137
 — Lawrence, 20-23, 120, 121, 136
 — William, 21, 23, 120, 121, 136, 137
 Swillington (Swillyngton), Ralph, 21
 Swindles (Swyndles), Edward, 135
 Sworton, John, 110
 Swy-, *see* Swi-
 Sy-, *see* Si-
 Sydall, John, 110

T

T . . . ville, 23*n*
 Taiyler, *see* Taylor
 Talbot, Anne, 31
 — Anthony, 32, 139
 — Edmund, 31
 — Robert, 32, 139
 — Thomas, 32, 139
 Tapple, Thomas, 66
 Tarleton (Tarelton), William, 32, 139
Tattenhall (Tatnall), 23*n*
Tatton, 36
 — park, 61
 Tatton, Robert, 18, 19
 Taylor (Taillior, Taiyler, Taylior, Taylour), Edmund, 52
 — Godfrey, 89
 — John, 135
 — Robert, 57
 — Roger, 52
 Terry, Edmund, 105
Thistleton (Thistylton, Thisylton), 94
 Thomaston (Thromaston), Richard, 102, 104
 Thomeys (Thomeyes), John, 56, 57
 Thomlinson (Tomlynson), Richard, 54
 — Thomas, 102, 104
 Thompson (Tomson), John, 65
 — Richard, 65
 — William, 46
 Thorley, John, 22, 136, 137
 Thornley (Thornele), Honken, 67
 — John, 67

Thorp (Chorop), John, 102, 104
 Thromaston, *see* Thomaston
 Tilsley, *see* Tyldesley
 Tilston (Tylston), 108
 Tilston (Tylston), John, 102
 Timperley (Tymperegh), 7-13
 — manor, 7, 10, 13
 — New Field, 8-10
 Tingle (Tyngyll), Thomas, 47
 Tipping (Typpyngh), Hugh, 70, 71
 — Peter, 95
 Tirvill (Tyrbyll, Tyrville), Dame Jane,
 121, 125
 — Sir William, 121, 125
 Tittley, Robert, 126
 Titterington (Tittryngton), 45
 Toft (Tofte), 61
 Tom-, *see* Thom-
 Tona, John, 107
 Tonge (Tunge), John, 107, 110, 117,
 118
 — Peter, 102, 104
 Touchet (Tuchet), George, 13
 — Sir John, lord Audley, 13
 Trafiord, Sir Christopher, 39
 Tuchet, *see* Touchet
 Tunge, *see* Tonge
 Tunson, John, 140
 Tunstall, William, 98
 Turnour, William, 41
 Twis, Thomas, 123
 Ty-, *see* Ti-
 Tyldesley (Tilsley), Thurstan, 69

U

Upton (Opton, Uppon), Piers, 52
 — Thomas, 41, 42
 Urswick (Ursweke), 127
 — *Little*, 127
 — rectory, 127
 Urswick, Christopher, 127

V

Valentyne, Thomas, 37
 Vawdrey (Vawderey, Vawdreye),
 Edmund, 9
 — Edward, 9, 10
 — Robert, 11, 12
 Velevile, Sir Rowland, 62
 Venables, Cecily, 112
 — Elizabeth, 112
 — Henry, 111, 112
 — Hugh, 108
 — Sir Hugh, 112
 — Joan, 112
 — Randle, 10, 110
 — Thomas, 111, 112

Venables, William, 108, 110, 111 (2),
 112
 Vernam, *see* Vernon
 Vernon (Vernam), George, 102, 104
 — Margaret, 89-91
 — Ralph, 90, 91
 — Randle, 110

W

Walker, Edmund, 66
 — Edward, 66
 — John, 40-42
 Walley, *see* Whaley
 Walleys, Griffith, 66
 Walthall (Waltho), John, 105, 106
 — Roger, 105
 — Thomas, 105
 Walton (Ches.), manor, 16
 Walton, John, 5, 101
 Walton, *Nether* (Ches.), 14, 16
 — *Over*, 14, 16
 Walwen, Alice, 127
 — William, 127
 Warburton (Warberton, Werburton),
 —, 91
 — John, 85
 — Peter, 128
 — Sir Peter, 12
 Waren, *see* Warren
 Waring (Waryn), Elizabeth, 81
 Warneby, *see* Wharmby
 Warnelow (in Hattersley), 67
 Warneth, *see* Werneth
 Warren (Waren), Edward, 12
 — Lawrence, 107
 Warrington (Werington, Werrington,
 Weryngton), 2, 33, 51, 74, 122
 Warrington (Weryngton), Hugh, 131
 — Roger, 136
 Waryn, *see* Waring
 Washington (Washyngton, Wasshing-
 ton, Wasshyngton), Robert, 79, 80
 — Thomas, 25, 27-29
 Watson, Henry, 129
 Watte, Henry, 89
 Wayley, *see* Whaley
 Weaver (Wewer), river, 114
 Weaver (Weyver), William, 49
 Weaverham (Werham), 121
 — vicar of, 121
 Wedgwood (Wedgewode, Wegge-
 woode), Robert, 84
 Wedur, Richard, 83
 Weeley, Wellay, *see* Whaley
 Welle, —, 118
 Werburton, *see* Warburton
 Wereham, *see* Weaverham
 Werneth (Warneth, nr. Stockport), 67
 — Moor, 67
 Weryne, Ralph, 60

- Weryngton, *see* Warrington
 Wesbroke, Robert, 126
 West, Sir Thomas, 70
West Chester, 14, 61, 73, 74. *See* Chester
Westmer (in Coddington), 60
Westminster, 4n, 7, 9, 12, 14, 33, 35, 43, 46, 54, 61, 65, 71, 73, 77, 105n, 115, 124, 128
 — abbot of, 115
Westmorland, 27-29, 77-79
Weston (in Wybunbury), 126
 — manor, 126
 Weston, Richard, 118
 Westyche, William, 141
 Wetenhall, *see* Wettenhall
 Wetenshaw, *see* Withenshaw
Wettenhall (Wettenhall), 38, 39
Wettenhall (Wetnall), Alice, 76
 — Margaret, 76
 — Randle, 76
 Weyley, *see* Whaley
 Weyne, Thomas, 118
 Weyver, Wewer, *see* Weaver
Whaley (Walley, Wayley, Weeley, Wellay, Weyley, Wyley, in Taxall), 92, 94, 114, 130, 132, 134-136
 — common, 92, 94
 — people of, 134
 Wharmby (Qwarneby, Qwarnebye, Warnebye), Agnes, 132
 — Jankin, 132
 — John, 107
 — Ralph, 107
 Whelock (Whelok), Nicholas, 140
 — Ralph, 140, 141
 Whermore, *see* Quernmore
Wherynside (in Coddington), 59
 Whetely, John, 125
 Wheteney, James, 52
 Whetyngdon, *see* Whittington
 Whitacres (Whiteacres, Whyttakers, Wittakers, Wytacres), James, 43, 45, 56
 — John, 56, 57, 105
 — Robert, 135
 — Roger, 45, 57
 — Thomas, 55
Whitchurch (Salop), 21
 White, John, 117
 Whityngstall, Richard, 52
Whitley (Ches.), 88
 Whitney (Whytney), John, 84
 — Randle, 56
 — Thomas, 44, 56, 57, 124
 Whitteleg, John, 100
 Whittington (Whetyngdon, Whityngton, Whytyngton), John, 4, 5
 — Thomas, 4, 5
 Whykstede, *see* Wickstead
 Whyt-, *see* Whit-
 Whyterenson, Richard, 106
 Wiche, *see* Nantwich
Wickstead (Whykstede, Wyksted, in Wirswall), 137, 138
 Wickstead (Whykstede, Wykstede), Elizabeth, 137
 — Hugh, 137, 138
 — Thomas, 137
Widnes (Wydnes), 33
Wigan (Wyggyyn), 75
 Wigston (Wygston), Roger, 61
 Wilbraham (Wilberham, Wilbram), Humphrey, 120
 — Richard, 118
 — William, 72, 114
 Wilcock (Wylcock), Henry, 102, 104
 — Thomas, 102, 104
 Wildblood (Wyldblood), Thomas, 140
 Wilde (Wylde), John, 41
 — Robert, 67
 Wilding (Wyldyg), Richard, 102, 103
Wilkesley (Wylkesley), 76
 — lordship of, 76
 Wilkinson (Wilkykson), Richard, 89
 — William, 110
Willaston (by Nantwich), 56
 William (Wyllyam), Morris, 103, 104
 Williamson (Wyllyamson), John, 66
 — Thomas, 5
 Willom, Thomas, 123
 Windles (Wyndles), Edward, 131
Winkle (Wyncall), 43-45
 Winnington (Wynnyngton), John, 107
 Winstanley (Wynstanley), Robert, 56
 — Thomas, 56
 Wirral (Wirrehall), 113, 122
 — coroner, 113, 122
Wirswall (Wriswall), 138
Wistaston (Wistanston, Wisteston, Wystaston), 53, 54, 56, 57, 97
 Wit-, *see* Whit-
Withenshaw (Withinsha), 18
 Withenshaw (Wethenshaw, Wythinshaw, Wythynshaw), —, 56
 — Robert, 53, 55
 — Thomas, 56
Wixterton (in Willaston, near Nantwich), 124
 Wod-, *see* Wood-
 Woley, John, 56
 Wolsey, Cardinal, 22, 35, 40, 65, 68, 74, 75, 79, 82, 96, 114, 118, 124, 136, 142
 Wolston, *see* Woolston
 Wood (Wodde, Woodde, Woode), Hugh, 134
 — John, 56, 57
 — Oliver, 83
 Woodcock (Wodcok), John, 23
 Woodfent, Ralph, 66
 Woodnot (Wodnot), Humphrey, 126
 — Nicholas, 126

Woodnot (Wodnot), Randle, 126
 Woodruff (Wodroulf), John, 135
 — William, 131
 Woodward (Wodward, Woodewarde,
 Woodwarde, Woodwart), John, 66,
 72, 128
 — Richard, 123, 124
 — Robert, 123
Woolston (Wolston), 52
 — Moss, 52, 53
Worcester (Wurcestre), Nicholas, bishop
 of, 6, 118
Workington (Wyrkyngton), 81
 Worral, Hugh, 90
Worsley (Worseley), 37
 — manor of, 37
Worth (Ches.), 135
Wrenbury, 124
 Wrenbury, Thomas, 57
 Wrenche, William, 89
 Wright (Wryght), Ralph, 102, 103
 — Richard, 41

Wright (Wryght), Robert, 56, 102, 104
 — Roger, 124
 Wriothesley, Thomas, 71
 Wriswall, *see* Wirswall
 Wulley, John, 41
 Wurcestre, *see* Worcester
 Wy-, *see* Wi-
 Wyeld, Richard, 135
 Wyley, *see* Whaley
Wymotte Moss, 96
 Wyrkyngton, *see* Workington

Y

Yorke, Robert, 102, 103
 Young (Yong, Yonge), Anthony, 135
 — Christopher, 55
 — Jake, 132
 — John, 55
 — Richard, 131, 135
 — Thomas, 94

INDEX OF WORDS AND THINGS

This index is not exhaustive.

A

Accompanying the bailiff at distraints,
42
alarm bell rung, 19
almoner of Henry VIII, 6
apparitor, 125
assault and ambush, 6

B

bloomsmithy, 140
boundaries in dispute, 1
"bowge," 86
bowling and bowling alleys, 20, 107
breaking a weir, 19
"brusses," 83
buckhounds, 61
burial customs, 142

C

"cabiges," 55
centenarians, 90, 91
Chancery, court of, 8
chapel building, 94
church, inquest taken in, 123
common, pasturage time on a, 134
common rights, 93
common sowing of corn, 25
coroners' defaults, 6, 113, 122, 124
Council of the Princess Mary, *see*
"Marches of Wales" and "Prin-
cess's Council," in general index
cross of gold, 70
customary notice to quit, 39, 42

D

desertion of blind husband, 36
"dish of tree," 79
Duchy chamber, 15

E

enclosures, 94, 109, 126, 132, 134
"erying," 40, 42
evensong, 111

evidences, withholding of, 8
Exchequer, false returns into, 68

F

firebote, 67
"first field" of Henry VII, 4
"fosters in fee," 134, 135
"fryseads," and other stuffs, 86

G

game, 68
"georgicane," 86

H

heirlooms, 82
"hekforthez," 131
heriot, 40, 43
homage, 51
houseling money, 111

I

incendiarism, 17
induction by the archdeacon, 112
inheritance, custom of, 143

K

karuers, 121
"King Richard's field," 57
knights of the king's body, 136
"knokke," 84
"kyddes," 83

L

livery given, 22
long bows, 69

M

marl pits, 95
master of the game, 85
matins and mass, 111
mayor's election, 71
midnight raid, 53
mill-stream interrupted, 105
mortuary, custom of, 75
muster of tenants, 37, 38

O

obstructing a watercourse, 52
 offering in church, 117

P

"paddle staff," 107
 "pales" of Cheshire, 137
 passage, shire of, 55
 pasture rights, 109
 "patled," 86
 peculiar court, 125
 petty captain, 38
 pinfold and pound, 49, 93, 131-134
 poaching, 84, 85, 95, 96
 pound, *see* pinfold
 proclamation in church, 88

Q

quarter sessions, 93

R

records, custody of, 69
 refuge taken in a church, 74
 rescues, unlawful, 3
 right of way, 71
 "roke of stones," 24

S

sanctuary, 21
 serjeant-at-arms, 79, 81
 serjeant-at-law, 73
 serjeant-at-the-mace, 100
 serjeants of the king, 122

"Scottish field," the first, 57
 "shere" or shire court, 23
 "squires to keep the gates" of Chester,
 90
 stocks, 41
 "Starred Chamber," 7, 46
 suicide's goods, 6

T

tenant right, 68, 69
 "tollership," 70
 turbary, 11, 44, 67

U

"undersherewyk," 69
 unlawful imprisonment, 63

V

values of cattle, &c., 70
 visitation of the sick, 110
 "v'tissied," 41

W

wakes, 21
 wardrobe of Dame Dutton, 86
 "wichewode," 83
 wills, proof of, 125
 withernam, 29
 worthinghooks, 119

Y

yeoman of the guard, 10, 22
 yeoman of the king, 129
 yeoman usher, 79

REPORT 1914-15

37th YEAR

THE RECORD SOCIETY

FOR THE

PUBLICATION OF ORIGINAL DOCUMENTS

RELATING TO

LANCASHIRE AND CHESHIRE

FOUNDED 1878

COUNCIL, 1915-16

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R U L E S

1. That the Society shall be called the RECORD SOCIETY, and shall have for its object the transcribing and publishing of Original Documents relating to the Counties of Lancaster and Chester.

2. That the affairs of the Society shall be governed by a Council consisting of a President and twelve Members, the former of whom shall be *annually* elected by the Council.

3. That three Members of the Council shall form a quorum.

4. That the subscription of Members of the Society shall be £1, 1s. per annum, which shall entitle them to the publications for the year; but any Member whose subscription shall be two years in arrear shall thereupon be removed from the Society, and shall not be re-admitted until all arrears have been paid. The number of Members is limited to 350.

5. That the subscriptions shall be due in advance on the 30th of June in each year, and that no work shall be issued to any Member whose subscription is in arrear.

6. That an Annual Meeting of the Society shall be held in the month of October, of which due notice shall be sent to all the Members. At this meeting a Report of the work of the Society, with a Statement of the Income and Expenditure, shall be presented. These shall be annually published, together with a List of Members and the Rules of the Society.

7. That so long as the funds of the Society permit, two volumes at least shall be issued to the Members in each year.

8. That no copies of the publications of the Society shall be sold to non-members, except at an increased price to be fixed by the Council.

9. That no payment shall be made to any person for editing any work for the Society, but that the Editor of each Volume shall be entitled to ten copies of the work so edited by him.

10. That the Treasurer's Accounts shall be audited by two Members of the Society, who shall be elected at the Annual Meeting.

11. No alteration shall be made in any of the above Rules except at the Annual General Meeting. Notice of any proposed alterations must be sent to the Hon. Secretary a month before such General Meeting.

12. That a meeting of the Council of the Society shall be called by the Hon. Secretary at least once in every three months.

The Annual Subscription of £1, 1s., entitling the Members to all the Volumes issued for that year, may be paid to the Hon. Treasurer, or to the credit of the Society at their Bankers, the Manchester and Liverpool District Banking Company, Limited, at any of their branches.

RECORD SOCIETY OF LANCASHIRE
AND CHESHIRE
REPORT FOR THE YEAR 1914-15 (37TH YEAR)

*Read at the Annual Meeting held in the Audit Room of the Chetham
Hospital, Manchester, on the 29th day of October 1915.*

DURING the year ending 30th June 1915 one volume (Volume 69) has been issued to the Members; it consists of Marriage Licences granted within the Archdeaconry of Chester from 1667 to 1680, and was edited by Mr. William Fergusson Irvine, M.A., F.S.A.; this is the sixth volume of the series of Chester Marriage Licences which Mr. Irvine has edited for the Society.

The Record Society, like many others, has not escaped the effects of the war, and it has been considered prudent to restrict its publications for the year 1914-1915 to the single volume referred to above.

Dr. Farrer's volume of Lancashire Inquests and Extents, being Volume 70 of the Society's publications, was issued to the Members on the 25th of this month.

Of the Star Chamber Proceedings, which are being edited by Mr. Ronald Stewart-Brown, M.A., F.S.A., about 140 pages are in type. Mr. Stewart-Brown joined the Duke of Lancaster's Own Yeomanry at the end of March, and since then has been serving with his regiment, so that it has been quite impossible for him to continue to edit this work, and, for the present, the making of the transcripts necessary to complete the volume has been stopped.

Mr. Stewart-Brown's absence has also deprived the Society of his valuable services as Honorary Secretary, and the President and Honorary Treasurer have endeavoured under some resulting difficulties to carry on his duties as well as possible.

Some years ago the Society acquired a transcript of the Chartulary of St. Werburgh, but difficulty has arisen in connection with the editing, and it was found that the cost of printing would be considerable. In these circumstances the Council have been approached by the Chetham Society with the object of this transcript being printed by that Society. Seeing that this class of document is more appropriate to the publications of the Chetham Society, the Council have arranged to sell it to them upon condition that the Chartulary shall be printed forthwith.

Mr. R. D. Radcliffe, M.A., F.S.A., for many years a Member of the Council and one of the Auditors, has resigned, and the Council desire to record their appreciation of his services.

The Council have to record, with regret, the deaths of Mr. Walter Holland and Mr. Thomas Newbigging, both Members of the Society for a long period.

During the year ending 30th June 1915 one new Member has joined the Society, and six Members have died or resigned. The number of Members, including Public Libraries, then stood at 140. It should likewise be noted that during the last three years accessions to Membership have been only four, while in the same period sixteen Members have either died or resigned.

The Honorary Treasurer's accounts show a balance in hand on 30th June 1915 of £30, 6s. 10d.

The Council desire to make an urgent appeal to the Members to exert themselves to induce friends and local Public Libraries to join the Society. It will be seen from the Balance Sheet how very necessary this is. The Society in the past has been greatly indebted to one of its Editors, who generously presented costly transcripts, and has defrayed the expense of the indexing of his volumes, the Members thus receiving books greatly in excess of the value of their subscriptions. It is hoped that Members will show their appreciation of this by working for the welfare of the Society in accordance with the Council's request.

A few sets of the Society's Publications are still on hand. Members can obtain the price of sets or of single volumes by applying to the Honorary Secretary.


The following is a complete list of the Society's Publications printed up to the present time:—

- | | |
|----------|---|
| | 1. Commonwealth Church Survey. |
| | 2. Index to the WILLS at Chester, 1545 to 1620, |
| 1878-79. | <i>And Lists of</i> |
| | 1. Transcripts of WILLS in Consistory Court of Chester. |
| | 2. WILLS printed by Chetham Society. |
| | 3. Missing WILLS in Piccope MSS. |
| | 4. WILLS in Harl. MSS. 1991 British Museum. |
| 1879-80. | 3. Lancashire Inquisitions. Stuart Period. Part I. 1603 to 1613. |
| 1880-81. | 4. Index to the WILLS at Chester, 1621 to 1650, and Index to Lancashire and Cheshire WILLS and Admons. in P.C.C., 1650 to 1660. |
| | 5. The Register of Prestbury, co. Chester, 1560 to 1636. |
| 1881-82. | 6. Cheshire and Lancashire Funeral Certificates, 1600 to 1678. |
| | 7. Lancashire and Cheshire Records. Part I. |
| 1882-83. | 8. Lancashire and Cheshire Records. Part II. |
| | 9. Preston Guild Rolls, 1397 to 1682. |
| 1883-84. | 10. Index to the Lancashire WILLS proved at Richmond, 1457 to 1680, and Index to Abstracts in British Museum. |

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| | 11. Exchequer Depositions, 1558 to 1702. |
| | 12. Miscellanies, Lancashire and Cheshire. Vol. I. |
| | <i>Containing:—</i> |
| 1884-85. | 1. Homage Roll of the Manor of Warrington, 1491-1517. |
| | 2. Loans, Contributions, Subsidies, and Ship-Money paid by the Clergy of the Diocese of Chester, 1620-1639. |
| | 3. Three Lancashire Subsidy Rolls, 1541, 1622, and 1628; and a Recusant Roll, 1628. |
| | 4. Obligatory Knighthood; Lists of those who refused to take up their Knighthood in Cheshire and Lancashire, 1631-1632. |
| | 5. List of Freeholders in Lancashire in 1600. |
| 1885-86. | 13. Index to the Lancashire WILLS proved at Richmond, 1680 to 1748. |
| | 14. Annales Cestrienses. |
| 1886-87. | 15. Index to the WILLS at Chester, 1660 to 1680, with Appendix of <i>Infra</i> Wills. |
| | 16. Lancashire Inquisitions. Stuart Period. Part II. 1614 to 1622. |
| 1887-88. | 17. Lancashire Inquisitions. Stuart Period. Part III. 1622 to 1625. |
| | 18. Index to the WILLS at Chester, 1681 to 1700, with Appendix of <i>Infra</i> Wills. |
| 1888-89. | 19. Memorials of the Civil War in Cheshire, by Malbon and Burghall. |
| | 20. Index to the WILLS at Chester, 1701 to 1720, with Appendix of <i>Infra</i> Wills. |
| 1889-90. | 21. The Register of Leyland, co. Lancaster, 1653 to 1710. |
| | 22. Index to the WILLS at Chester, 1721 to 1740, with Appendix of <i>Infra</i> Wills. |
| 1890-91. | 23. Index to the Lancashire WILLS proved at Richmond, 1748 to 1792, and WILLS proved at Halton, 1615 to 1792. |
| | 24. The Royalist Composition Papers relating to Lancashire. Vol. I. A and B. |
| 1891-92. | 25. Index to the WILLS at Chester, 1741 to 1760, with Appendix of <i>Infra</i> Wills. |
| | 26. The Royalist Composition Papers relating to Lancashire. Vol. II. C to F. |
| 1892-93. | 27. Lancashire Lay Subsidies, 1216 to 1307. |
| | 28. Plundered Ministers' Accounts, Lancashire and Cheshire. Part I. 1643 to 1654. |
| 1893-94. | 29. The Royalist Composition Papers relating to Lancashire. Vol. III. G and H. |
| | 30. A Collection of Lancashire and Cheshire WILLS, 1301 to 1752. |
| 1894-95. | 31. Miscellanies, Lancashire and Cheshire. Vol. II. |
| | <i>Containing:—</i> |
| | 1. The Book of the Abbot of Combermere, 1289-1529. |
| | 2. The Exchequer Lay Subsidy Roll for Lancashire, 1332. |

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| 1895-96. | { | 32. Pleadings and Depositions in the Duchy Court of Lancaster. Part I. |
| | | 33. Miscellanies, Lancashire and Cheshire. Vol. III. |
| | | <i>Containing:—</i> |
| | | 1. A List of Clergy for Eleven Deaneries of the Diocese of Chester, &c., 1541-1542. |
| | | 2. Chorley Survey, 1652-1653. |
| | | 3. List of WILLS, &c., at the Diocesan Registry, Chester, 1487-1620. |
| 1896-97. | { | 34. Plundered Ministers' Accounts, Lancashire and Cheshire. Part II. 1654 to 1660. |
| | | 35. Pleadings and Depositions in the Duchy Court of Lancaster. Part II. |
| 1897-98. | { | 36. The Royalist Composition Papers relating to Lancashire. Vol. IV. I to O. |
| | | 37. Index to the WILLS at Chester, 1761 to 1780. A to M. |
| 1898-99. | { | 38. Index to the WILLS at Chester, 1761 to 1780. N to Z, with Appendix of <i>Infra</i> Wills, A to Z. |
| | | 39. Lancashire Final Concords. Part I. 1196 to 1307. |
| 1899-1900. | { | 40. Pleadings and Depositions in the Duchy Court of Lancaster. Part III. |
| | | 41. Lancashire Court Rolls, 1323 to 1324. |
| | | 42. Manchester Quarter Sessions Records. 1616 to 1623. |
| | | 43. Miscellanies, Lancashire and Cheshire. Vol. IV. |
| 1900-01. | { | <i>Containing:—</i> |
| | | 1. A List of the Freeholders in Cheshire, 1578. |
| | | 2. The Ordination Register of the Diocese of Chester, 1542-1558. |
| | | 3. List of WILLS, &c., at the Diocesan Registry, Chester, 1621-1700. |
| 1901-02. | { | 44. Index to the WILLS at Chester, 1781 to 1790, with Appendix of <i>Infra</i> Wills. |
| | | 45. Index to the WILLS at Chester, 1791 to 1800, with Appendix of <i>Infra</i> Wills. |
| 1902-03. | { | 46. Lancashire Final Concords. Part II. 1308 to 1377. |
| | | 47. Lancashire Assize Rolls. Part I. 1202 to 1281. |
| 1903-04. | { | 48. Lancashire Inquests, Extents, &c. Part I. 1205 to 1307. |
| | | 49. Lancashire Assize Rolls. Part II. 1284 to 1285. |
| 1904-05. | { | 50. Lancashire Final Concords. Part III. 1377 to 1509. |
| | | 51. Chester Freeman Rolls. Part I. 1392 to 1700. |
| | | 52. Miscellanies, Lancashire and Cheshire. Vol. V. |
| 1905-06. | { | <i>Containing:—</i> |
| | | 1. An Index of <i>Infra</i> WILLS at the Probate Registry, Chester, 1590-1665. |
| | | 2. An Index of WILLS, &c., at the Diocesan Registry, Chester, 1701-1800. |
| | | 3. Hearth Tax Returns for the City of Chester, 1664-1665. |

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| 1906-07. | { | 53. Marriage Licences for Cheshire, South Lancashire, &c. Part I. 1606 to 1616. |
| | { | 54. Lancashire Inquests, Extents, &c. Part II. 1310 to 1333. |
| 1907-08. | { | 55. Chester Freeman Rolls. Part II. 1701 to 1805. |
| | { | 56. Marriage Licences (as above). Part II. 1616 to 1624. |
| 1908-09. | { | 57. Marriage Licences (as above). Part III. 1624 to 1639. |
| | { | 58. Visitation of Cheshire, 1613. |
| 1909-10. | { | 59. Cheshire Chamberlains' Accounts, 1301 to 1360. |
| | { | 60. Lancashire Final Concords. Part IV. 1510 to 1558. |
| 1910-11. | { | 61. Marriage Licences (as above). Part IV. 1639 to 1644. |
| | { | 62. Index to the WILLS at Chester, 1801 to 1810. A to L. (<i>Infra</i> Wills included.) |
| | { | 63. Index to the WILLS at Chester, 1801 to 1810. M to Z. (<i>Infra</i> Wills included.) |
| | { | Supplementary Index to the WILLS at Chester, 1670. |
| 1911-12. | { | Supplementary Index to the <i>Infra</i> Wills at Chester, 1693. |
| | { | Table of Calendars of Wills. |
| | { | 64. <i>Liber Luciani de Laude Cestrie</i> , and Obits of Abbots and Founders of St. Werburgh's Abbey, Chester. |
| 1912-13. | { | 65. Marriage Licences (as above). Part V. 1661 to 1667. |
| | { | 66. Index to the Lancashire WILLS proved at Richmond, 1793 to 1812; and WILLS proved at Halton, 1793 to 1812. |
| 1913-14. | { | 67. The Moore MSS. |
| | { | 68. The Ledger Book of Vale Royal Abbey. |
| 1914-15. | { | 69. Marriage Licences (as above). Part VI. 1667 to 1680. |
| 1915-16. | { | 70. Lancashire Inquests, Extents, &c. Part III. 1313 to 1355. |

 The Council must again refer to Rule 5, under which no volume can be delivered to any Member whose Subscription is in arrear.

The Record Society of Lancashire and Cheshire

Receipts and Expenditure from 1st July 1914 to 30th June 1915.

Dr.

	£	s.	d.
Balance per Account	122	15	7
Subscriptions received—			
1 @ 23/-	£1	3	0
1 " 20/4	1	0	4
130 " 21/-	136	10	0
	138	13	4
Books sold	2	17	1
Bank Interest	1	16	11
Subscriptions in arrear	£4	4	0
Books unpaid for	1	1	4
	£5	5	4
Subscriptions paid in advance	£8	8	0

	£	s.	d.
TRANSCRIPTS, &c.—			
J. Brownbill, Marriage Licences at Lancaster	£15	0	0
Miss Stokes, Star Chamber Proceedings	7	10	0
W. H. Price, attendance in and expenses to Liverpool	£0	8	0
7e Probate Act Books	0	5	0
Do.	0	4	4
Hon. Treasurer's expenses to Chester 7e	0	17	4
	23	7	4

PRINTING AND BINDING—			
Ballantyne, Hanson & Co.—			
Printing and binding 210 copies, Vol. 69	£83	7	0
Less 24 per cent.	£21	5	4

Postages	£81	5	4
Doing up 125 copies Vol. 69 for post.	2	0	5
Printing Royallist Composition Papers 1906-7 (to be Vol. 71)	£16	14	6
Rent of type, 1908-15	£11	19	3
Less allowance	5	19	3

Interest on £16, 14s. 6d. at 5 per cent., 7½ years	6	0	0
Printing Star Chamber Proceedings to 31st March 1915	28	15	6
Printing Lancashire Inquests and Extents, Pt. III, to Do. (Vol. 70, 1915-16)	27	4	6

W. H. Tyerman, circular 7e Bank Order	44	2	0
Do. reminders 7e subscriptions	0	12	0
Brakell, notices of Annual Meeting	0	6	6
	184	19	1

SUNDRIES—			
J. H. Jones, care of stock 1914	£2	2	0
R. C. Edwards, Do. 6 months to 30th June 1915	1	1	0
Hon. Secretary and Hon. Treasurer, incidentals	20	0	0
Half cost of cleaning stock room *	0	2	6
Half rent of Do. 1 year to 31st Dec. 1914 *	2	10	0
Half rates on Do. *	0	12	5
Fire Insurance on Stock, £250	0	5	0
Typing letters	0	1	9
Cheque book	0	5	0
Bank Commission	£0	1	6
Cash in hand	30	5	4
Balance per Bank book	£266	2	11

* Shared with Historic Society of Lancashire and Cheshire.

£266 2 11

Examined and found correct.

(Signed) R. D. RADCLIFFE, } Auditors.

WILLIAM E. GREGSON, }

23rd July 1915.

(Signed)

F. C. BEAZLEY,

Hon. Treasurer.

10th July 1915.

LIST OF MEMBERS

Corrected to 30th June 1915.

ANDERTON, Henry Ince, Palazzo Capponi, 28 Via Gino Capponi, Florence.

Antiquaries, The Society of, Burlington House, London, W.

Antrobus, Sir Reginald L., K.C.M.G., C.B., 19 Cranley Gardens, London, S.W.

Armytage, Sir George J., Bart., D.L., F.S.A., Kirklees Park, Brighouse.

Ashton of Hyde, Lord, Vinehall, Robertsbridge, Sussex.

Athill, Charles H., M.V.O., F.S.A., Richmond Herald, Heralds' College, London, E.C.

BEAZLEY, F. C., F.S.A., 24 Lorne Road, Oxtou, Birkenhead,
Hon. Treasurer.

Bennett, John H. E., 66 Cambrian Crescent, Chester.

Brierley, Henry, B.A., 26 Swinley Road, Wigan.

Brunner, J. F. L., M.P., 43 Harrington Gardens, London, S.W.

Burke, H. Farnham, C.B., C.V.O., F.S.A., Norroy King of Arms, Heralds' College, London, E.C.

CHIPPINDALL, Colonel W. H., Fairbank Cottage, Kirkby Lonsdale.

Clayton, Gerald E. C., Penarwel, Llanbedrog, North Wales.

Crossley, E. W., Dean House, Triangle, Halifax.

Cunliffe, Walter F., Wyndcroft, Old Park Road, Enfield.

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Davies-Colley, Lieut.-Col. Thomas H., M.A., Newbold, near Chester.

Dixon, Colonel George, Astle Hall, Chelford, Cheshire.

ELLIS, Sir T. Ratcliffe, 18 King Street, Wigan.

FARMER, Richard, Diocesan Registry, Chester.

Farrall, The Rev. L. M., M.A., Abbot's Grange, Chester.

Farrer, William, D.Litt., Hall Garth, Carnforth.

Fermor-Hesketh, Thomas, Rufford Hall, Ormskirk.
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,, Inner Temple Library.

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,, Sion College Library, Victoria Embankment, E.C.

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,, Moss Side Public Library.

,, Portico Library, Mosley Street.

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Warrington Museum and Public Library.

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Royal University, Upsala, Sweden.

State Historical Society, Madison, Wisconsin, U.S.A., *per* H. Sotheran & Co., 140 Strand, London, W.C.Worcester Public Library, Mass., U.S.A., *per* Kegan Paul, Trench, Trübner & Co., Ltd., 68 Carter Lane, London, E.C.

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| New York State Library, Albany, New
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| New England Historic-Genealogical
Society, Boston, U.S.A. | } | <i>per</i> B. F. Stevens
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New Hampshire, U.S.A. | | |
| New York Historical Society. | | |
| New York Public Library. | | |
| Newberry Library, Chicago, Illinois,
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| Pennsylvanian Historical Society, Phila-
delphia, U.S.A. | } | <i>per</i> E. G. Allen,
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don, W.C. |
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| Yale University, New Haven, Conn., U.S.A. | | |
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Pemberton, Major-General R. C. B., C.S.I., 13 Cresswell Gardens,
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Pink, W. D., Public Library, Leigh, Lancs.

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Rigg, Henry, 3 Madeley Road, Ealing, London, W.

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